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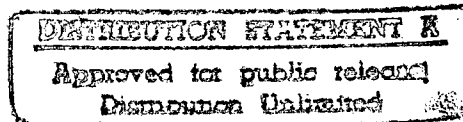
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1 SIXTH SESSION OF THE  
2 DoD HISTORICAL RECORDS DECLASSIFICATION  
3 ADVISORY PANEL

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5 National Archives  
6 7th and Pennsylvania Avenue, N.W.  
7 Room 410  
8 Washington, D.C.

9  
10 Thursday, September 18, 1997



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## 1 PANEL MEMBERS:

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3 DR. ALFRED GOLDBERG, CHAIRMAN

4 DR. ANNE CAHN

5 PROFESSOR MELVYN LEFFLER

6 PROFESSOR GERHARD WEINBERG

7 BG DAVID ARMSTRONG

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9 SHELDON GOLDBERG

10 JEFFREY CLARKE

11 CYNTHIA KLOSS

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## 1 P R O C E E D I N G S

2 DR. GOLDBERG: May we have your attention,  
3 please. We're starting the meeting now with the  
4 administrative announcements by our Executive Secretary.

5 MS. KLOSS: Good morning. I'm glad everybody  
6 was able to find the room, minus half of our panel.

7 The proceedings are going to be recorded.  
8 Verbatim transcripts will be posted on the Internet.  
9 Panel members will be identified by name. Observers  
10 will be identified by name only if you state your name  
11 prior to your question, if not, we will just identify  
12 you as observers.

13 Please wait to be recognized by the Chair if  
14 you have any questions from the audience. To access our  
15 transcript, you can go into the c3i home page at  
16 [www.dtic.mil/3ci](http://www.dtic.mil/3ci).

17 Or you can pick your bookmark Steve  
18 Aftergood's website, and I'm sure it's posted there  
19 also.

20 We will produce an executive summary to the  
21 three pages which will highlight the proceedings. If  
22 you would like a copy and you do not have access to the

1 Internet but do have E-mail, please E-mail me at  
2 klossc@osc.pentagon.mil. Your other option to obtain  
3 transcripts, of course, is through the FOIA channels.

4 Coffee is in the back. It's provided for your  
5 convenience. Please help yourself, but we do ask that  
6 you refrain from moving when the panel is in session,  
7 because the noise in the room does get hard to handle.  
8 Breaks will be strictly at the discretion of the Chair.

9 We will have a working lunch. I will ask the  
10 panel members to join me in a different room. The  
11 observers are welcome to return after lunch, which will  
12 be approximately 12:45, back in this room. The rest  
13 rooms are outside of this room. The women's room,  
14 that's a little bit further down the hall. Telephones  
15 are available in the center corridor next to the  
16 elevators. We will not accept phone calls coming in,  
17 with the exception of Dr. Goldberg, of course.

18 Oh, this is great, if we have anybody from the  
19 Archives and you don't wish to go to lunch, we do have a  
20 film. Archives is scheduling a film at noon, "A Little  
21 Rebellion Now and Then, Prologue to the Constitution".  
22 It's part of your Constitution Week and we do thank the

1 Archives for hosting us again, thank you.

2 DR. GOLDBERG: Thank you.

3 The Executive Secretary has spoken. She  
4 always enjoins me to do a recap from the last meeting,  
5 and I'm not quite certain why since we do make a report  
6 to the Secretary, since we do have minutes. But since I  
7 have been told to do it, I find it necessary to follow  
8 instructions, but I will make it brief.

9 Our last meeting was a fruitful one, I think,  
10 and this one should be even more so. The panel's report  
11 the meeting to the Secretary of Defense was concerned  
12 with ways of speeding up declassification archiving,  
13 better coordination of efforts within DoD and between  
14 DoD and other agencies, better declassification guidance  
15 and greater access to newly declassified records.

16 As in all of our previous reports, we urge  
17 that greater resources be devoted to the  
18 declassification effort. And I'm delighted to report  
19 this last recommendation, an absolute necessity of real  
20 progress is to be made, is being realized and we will  
21 hear more about that later.

22 The Army and OSD are making substantial even

1 large allocations of funds for declassification. It's  
2 encouraging to know that responsible officials at the  
3 top levels of the department are paying attention and  
4 reacting positively to some of our recommendations. In  
5 fact, I think there's been a breakthrough that will have  
6 a major effect on the declassification, defense  
7 declassification progress for the next several years.

8 At tomorrow's meeting, we will consider the  
9 future of the panel, whether it should continue for  
10 another year and whether you wish to remain a member.

11 We are going to have some additional remarks  
12 made. Mr. Leonard of the Office of the Assistant  
13 Secretary for C3I is going to give us a brief overview  
14 of the state of the declassification program in DoD now  
15 and I think that you will find it quite encouraging

16 BRIEFING BY

17 J. WILLIAM LEONARD

18 MR. LEONARD: Thank you very much, Dr.  
19 Goldberg, and good morning to the members of the panel  
20 and good morning to everybody else.

21 I'm Bill Leonard Director of Security Programs  
22 in the Office of the Assistant Secretary of Defense for



1 C3I. I'm pleased to address the panel this morning on  
2 the status of declassification within the Department of  
3 Defense. It's been a very busy year for DoD and I see  
4 real progress in declassification compared to the status  
5 of just two short years ago.

6 What I would like to do is discuss three  
7 topics today. The first would be trends in  
8 declassification, the second would be the status of  
9 declassification policies, and the final topic would be  
10 the continuing challenges which we all confront.

11 We convened the Defense Declassification  
12 Management Panel two weeks ago and much of the  
13 information is derived from that very productive meeting  
14 of the department's senior declassifying officials.

15 Firstly, though, I would like to address  
16 declassification trends. Last November we pointed out  
17 that DoD collectively declassified over 68 million pages  
18 of information. And early reports show that we will  
19 exceed this rate in 1997. Much of the first year of the  
20 Executive Order was spent conducting surveys to identify  
21 the total holdings subject to automatic  
22 declassification.

1           The second year has been spent in issuing  
2   contracts for support and reviewing for declassification  
3   the most sensitive material in our holdings.

4           The most positive trend is in the resources  
5   applied to declassification. For example, the  
6   Washington Headquarters Services which provides support  
7   to the Office of the Secretary of Defense, was  
8   successful in obtaining funds to hire contractors to  
9   assist in declassification reviews for fiscal years '98  
10   and '99.

11          The Joint Staff has doubled it's one-person  
12   office with the hiring of a very experienced  
13   declassifier. Army, while late in getting started has  
14   the makings of a first class operation with resourcing  
15   in place for the next five years, so its own personnel  
16   as well as contract support.

17          Navy has quietly been doing the tough work of  
18   declassifying Navy materiel throughout the fleet and  
19   authorizing an extensive declassification guide pending  
20   review by the Interagency Security Classification  
21   Appeals Panel.

22          The Air Force has led the way in innovation

1 receiving the Vice President's Hammer Award. Their  
2 declassification database serves as the model for  
3 government-wide database under the sponsorship of the  
4 National Archives and Records Administration.

5 The Defense Intelligence Agency consolidated  
6 all declassification activities under one office this  
7 past year and they are pending the award of a support  
8 contract. NSA has two contracts for declassification  
9 support and is exploring the use of state-of-the-art  
10 on-line redaction tools.

11 Even the Unified Commands are showing  
12 progress. For example, the Pacific Command recently  
13 brought a team of declassifiers to the metropolitan  
14 Washington D.C. area for hands-on review and STRATCOM  
15 has successfully used military reservists to execute  
16 their declassification programs.

17 The components are compiling annual statistics  
18 for the 1997 report to the ISOO and I anticipate a vast  
19 improvement in declassification from the already  
20 impressive start in 1996.

21 Secondly, I would like to briefly provide an  
22 overview of current declassification policy. The two

1 policy issues focused on in previous HRDAP meetings are  
2 the status of current declassification guides and  
3 establishing a centralized declassification referral  
4 service.

5 Firstly, new implementation guidance for  
6 Executive Order 12958 is published and is available on  
7 the Internet. The revised DoD Regulation 5200.1-R is a  
8 definitive DoD guide for the execution of Executive  
9 Order 12958.

10 At last April's HRDAP meeting, much discussion  
11 centered on the OSD declassification policy and the fact  
12 that it had not been updated since 1983. It is the DoD  
13 Information Security Program Regulation, the 5200.1-R  
14 document I just referred to which establishes the policy  
15 for the declassification and this was published in  
16 January of 1997. The 1983 guideline for systematic  
17 declassification was really not intended to replace the  
18 basic policy rather it's a source of guidance for  
19 referrals of defense-related material. Basically it  
20 states that if information is in one of several topic  
21 areas, it should be referred back to the DoD for final  
22 determination.

1           Declassification guides are separate and  
2   distinct from declassification policy and remain the  
3   responsibility of declassifying officials.

4           In some cases, declassification guidance is  
5   incorporated into security classification guides; in  
6   others it's published as a stand-alone document.

7           The document referred to in the last HRDAP  
8   meeting strictly established thresholds for referrals  
9   and was not now nor was it ever intended to serve as a  
10   DoD wide declassification guide. That is an area that  
11   does still require additional work.

12           The HRDAP recommended centralizing  
13   declassification referrals recognizing the  
14   inefficiencies in the decentralized approach now in  
15   place within the Department of Defense.

16           The pilot project completed in response to one  
17   of your recommendations showed how prevalent referrals  
18   were in high policy records. We invited Mr. Rich  
19   Warshaw, the Chair of the External Referral Working  
20   Group, to discuss his efforts to facilitate smooth  
21   referrals within the federal government.

22           This group was singled out in the recently

1 issued Information Security Oversight Office Report to  
2 the President. Mr. Warshaw has done a magnificent job  
3 in establishing communications throughout the federal  
4 government, but I'm sure he would echo your  
5 recommendations on centralizing referrals in DoD,  
6 especially when no lead agency is readily apparent.

7 As always, the impediment to satisfying this  
8 recommendation is resources and I have taken steps to  
9 again address this unfunded requirement in the  
10 department's 1998 budget cycle. If approved, a central  
11 cadre of personnel would serve as the liaison for  
12 non-DoD agencies that have defense-related material in  
13 their holdings and would provide much needed  
14 augmentation for the preparation of our declassification  
15 guidance. Our ultimate goal is for an outside agency to  
16 have to make no more than two calls to refer information  
17 to the Department of Defense.

18 Finally, I would like to address challenges we  
19 all confront. Several items remain works in progress  
20 and continue to challenge the department.

21 Firstly, the components went through an  
22 arduous process of identifying file series of records

1 for formal exemption to the provisions of the automatic  
2 declassification program. This challenged staffs to  
3 identify all records repositories, archives, and other  
4 sources maintaining these historical files. When  
5 dealing with over a billion pages of information and  
6 minimal staffing, the action of documenting the file  
7 series was a significant step toward organizing the  
8 declassification work effort of several agencies. This  
9 remains an open action with additional information  
10 provided to a special team under the leadership of the  
11 ISOO. We remain optimistic that our recommendations  
12 will be approved; however, this is not necessarily  
13 guaranteed.

14 I would like to address a concern we all have  
15 with regard to inadvertent disclosures. Last May we  
16 discussed concerns on the possibility of inadvertent  
17 disclosures occurring due to our haste in complying with  
18 Executive Order mandated milestones. DoD has evaluated  
19 and rejected bulk declassification preferring to review  
20 files on a pass-fail basis. This is a trade-off that  
21 was driven in part by our desire to limit the potential  
22 for inadvertent disclosure of classified information.

1 Unfortunately, this past year we have experienced  
2 several cases, (some quite visible, others not) of  
3 information deemed classified by subject matter experts  
4 being released. Each incident results in dozens of  
5 man-hours devoted to damage assessment or corrective  
6 actions. This is time that could be spent reading the  
7 other documents for declassification. We are especially  
8 concerned with information relating to the following  
9 exception categories.

10 First, information revealing confidential  
11 human intelligence sources the loss of which would  
12 threaten existing sources and our ability to recruit  
13 future sources.

14 Second, technological advances leading to the  
15 development of weapons of mass destruction and future  
16 U.S. weapon systems. Premature disclosure of  
17 information assists other nations in the development of  
18 similar weapons and a fielding of countermeasures, or  
19 the proliferation of weapons in unstable regions. These  
20 activities significantly decrease the weapons systems'  
21 operational effectiveness.

22 Thirdly, there's concerns of course in areas



1 of international and diplomatic activities and  
2 agreements. Sometimes disclosure of this information  
3 would seriously degrade existing relationships and  
4 agreements that would undermine our ability to negotiate  
5 future agreements. For example, the unilateral release  
6 of information whose protection was negotiated under a  
7 specific agreement may negate aspects of that agreement  
8 overall.

9 Finally, of course, we're always concerned  
10 about U.S. military war and contingency plans. Many  
11 times the plans cited contain current contingency  
12 operations, the loss of which would allow hostile  
13 nations to counter or neutralize critical U.S.  
14 operations.

15 I'd like to recognize that the HRDAP  
16 encourages delegation of declassification authority to  
17 non-DoD agencies. At this time, based on our  
18 experiences over the past 18 months, I must continue to  
19 report that the DoD position is that our personnel will  
20 review all material as needed. In individual cases, a  
21 component may delegate declassification authority but  
22 this will not necessarily be a DoD wide policy. We have

1 found that there are too many variables that make it  
2 impossible to recommend this course of action at this  
3 time, especially when dealing with weapons systems. The  
4 subject matter expertise needed to evaluate material  
5 that is governed by almost 2,000 security classification  
6 guides is difficult to replicate.

7 In conclusion, I would like to point out that  
8 with regard to the HRDAP recommendations, each of the 18  
9 recommendations have been evaluated by the DoD  
10 Declassification Management Panel with action taken on  
11 all and 11 actions are considered complete.

12 During the Intelligence Community's recent  
13 conference on information management, a panel member  
14 said historians involved with declassification are  
15 discouraged at the lack of progress and do not see many  
16 changes forthcoming. After the presentation, a senior  
17 DoD declassification official asked the historian not to  
18 let up on the pressure. And I encourage you also not to  
19 let up on the pressure.

20 No one sector of the increasingly complex  
21 declassification family will ever achieve full  
22 realization of all their goals. However, in a

1 collaborative effort, I do firmly believe that  
2 historians and members of the public will continue to  
3 get greater access to pre-1960 holdings; that the  
4 declassifiers will get some of the resources, support,  
5 and recognition they need in order to execute their  
6 programs and that policy officials may find flexibility  
7 in interpretation of the Executive Order requirement for  
8 automatic declassifications. What we will all get is a  
9 program that makes significant inroads from the  
10 declassification efforts of the past.

11 Another panelist said that the intelligence  
12 community should not promise more than they can deliver.  
13 The same could easily be said of DoD. We can make no  
14 promises on declassifying specific topics or programs;  
15 but we can make a clear commitment to continue progress  
16 toward smarter classification management and more timely  
17 declassification reviews. If we are not moving as fast  
18 as the public believes is possible in declassifying the  
19 files of a purely historical nature, it may be in part  
20 due to our extensive declassification efforts applied to  
21 current high interest projects. In the past two years,  
22 I cannot remember one significant special project or

1 study that did not go through an extensive review to  
2 produce an unclassified version of the same report.  
3 Topics such as the Persian Gulf illness and the POW/MIAs  
4 issues are labor intensive issues and remain high  
5 priorities in the DoD for declassification resources.

6 Finally, I would like to express my sincere  
7 appreciation to Dr. Goldberg and to the panel members  
8 for all their thoughtful insight into the most  
9 challenging aspects of our declassification programs.  
10 Declassification, as we all know, is a unique business  
11 and that it comprises the needs of the records  
12 management community, the desires of the security  
13 practitioner, and the anticipation of historians in the  
14 public sector. I also wish to thank the speakers who  
15 present candid overviews of their programs to assist the  
16 panel members in understanding the challenges that are  
17 unique to their organization. And finally to the  
18 observers who have faithfully attended these sessions,  
19 we have tried to be responsive to your needs and  
20 encourage you to continue with your communications with  
21 the panel.

22 I appreciate very much, Dr. Goldberg, the

1 opportunity to provide the panel with that update.

2 DR. GOLDBERG: Let me express my appreciation,  
3 and the members of the panel I'm sure, for what I think  
4 is an exceptionally good, comprehensive, and encouraging  
5 report.

6 I do note that apparently our recommendations  
7 were paid attention to and that indeed the majority of  
8 them were resolved in some degree or other. And I  
9 submit this is awfully good for an advisory panel. My  
10 experience over the years has been that commissions,  
11 including blue ribbon panels and commissions and  
12 committees rarely have their recommendations adopted or  
13 very few of them are adopted. So I think we have had  
14 some effect here and I think that is encouraging. We  
15 have not labored in vein.

16 I would like to offer the panel members the  
17 opportunity to ask questions of Mr. Leonard about his  
18 presentation.

19 PROFESSOR WEINBERG: I have one question. At  
20 some point in your report you alluded to the utilization  
21 of reservists in one of the declassification programs.  
22 As you will recall, that's something that the panel has

1 repeatedly urged.

2 Do you see the possibility of the expansion of  
3 that in other areas of DoD declassification?

4 MR. LEONARD: Very much so. Of course, the  
5 Air Force which has served as, I think, a model for the  
6 community has been quite successful in that.

7 One of the continuing challenges for us will  
8 continue to be the unified commands in the field and it  
9 was very optimistic to see, for example, the strategic  
10 commands to make the utilization of reservists in that  
11 regard and that should be a continuing option,  
12 especially for other of the field components in terms of  
13 satisfying their document challenges in this area.

14 BG ARMSTRONG: I could add something.

15 I believe the Navy has used reservists in  
16 their declassification program and I know that in the  
17 case of the Pacific Command they're using them also.  
18 Part of the problem is, frankly, getting the man-days.  
19 The people are normally available and can be trained up.  
20 But getting the man-days is a resource problem which I  
21 think has been indicated as the commands become more  
22 aware both of the looming deadline of the expiration of

1 the five-year period and of the importance of getting  
2 this done, I think we are going to see more resources  
3 put against those things.

4 But Pacific Command has got a major problem  
5 with declassification and they are using reservists  
6 against it.

7 MR. CLARKE: I would add to that about 15 or  
8 20 years ago the Army for about a year used reservists  
9 extensively to organize, downgrade, declassify all the  
10 records in its control pertaining to the Vietnam War.

11 The problem was that when they abandoned that  
12 practice after a while, was that reserve training funds  
13 are allocated really not to bring people in to do your  
14 office work, but to bring people in to train them in  
15 whatever their specialties are.

16 So, you can't really depend on the Army  
17 environment, your normal Reserve or National Guard  
18 training funds to support an administrative effort.  
19 Additional funds would have to be made available from  
20 elsewhere.

21 DR. GOLDBERG: The funds are being made  
22 available, although, presumably -- additional funds that

1 are being made available presumably go for contracting.  
2 That is, much of the declassification would be done by  
3 contractors, I presume, for both Army and OSD, as I  
4 understand it. Is that correct?

5 MR. LEONARD: Yes.

6 MS. KLOSS: The final decision will still  
7 require the government --

8 DR. GOLDBERG: Yes.

9 MS. KLOSS: The manipulation of the data, the  
10 preparation of the material for us will be contractor  
11 driven.

12 PROFESSOR LEFFLER: I'm trying to understand  
13 precisely what type of progress has been made since the  
14 last meeting. And just let me see if I understand.

15 One of the things that we asked was, in fact  
16 the number one thing, was the reciprocal delegation of  
17 declassification authority within DoD and between DoD  
18 and other government agencies.

19 I understand, correct me if I'm wrong, you to  
20 be saying that as a generalization, you have rejected  
21 that that was our first priority, and I understand that  
22 you have rejected that?



1 MR. LEONARD: At the time being, that's a  
2 problematic approach, the wholesale delegation of  
3 declassification authority and DoD activity too.

4 PROFESSOR LEFFLER: You say the wholesale  
5 delegation, that suggests that perhaps you have done  
6 something with respect to specific delegation.

7 Is there any area, agency, within the DoD  
8 where -- is there any agency within DoD which has made  
9 reciprocal delegation possible with agencies outside of  
10 the DoD?

11 MR. LEONARD: We do, it is an option up to  
12 components to, on a case-by-case basis, to delegate.

13 MS. KLOSS: The Air Force. Would you like to  
14 talk about, briefly, about your arrangement with NARA?

15 COL DYRDA: Yes, the Air Force has allowed  
16 NARA, using our database, to go ahead and declassify.  
17 Additionally, we have delegated to the Navy. Using our  
18 declassification guides, if they so choose they can  
19 declassify our documents. And I believe the Navy is  
20 considering reciprocating that in the near future.

21 MS. KLOSS: We'll be demonstrating that  
22 program to you folks tomorrow morning.

1                   PROFESSOR LEFFLER: So thus far, the Air Force  
2 is the only agency within DoD to have engaged in that.

3                   MR. LEONARD: And one of the basic -- one  
4 basic requirement tool in order to be able to implement  
5 that is comprehensive declassification guides that can  
6 be readily understood and applied by others and, of  
7 course, Air Force has made significant progress in that  
8 area. And the absence of comparable comprehensive  
9 declassification guides is an impediment with regard to  
10 other areas. And then it becomes a balancing act  
11 whether to, you know, devote time, the resources to  
12 actual declassification efforts or to develop the  
13 declassification guide.

14                  PROFESSOR LEFFLER: That raises the other  
15 major issue I think we talked about last time and that  
16 you addressed and that was the guidelines issue. And  
17 I'm not clear what you said about the updating of the  
18 1983 guidelines. I understand you to say that those  
19 guidelines of 1983 were not established to dictate  
20 policy, but to allow for variations and to establish  
21 thresholds and that it would be up to related agencies  
22 to actually update and work out the new guidelines. Do

1 I understand that correctly?

2 MR. LEONARD: It is up to the proponents of  
3 the information to develop the exact declassification  
4 guidance for the information that's under their purview.  
5 That overall guide was intended to establish lower  
6 thresholds for issues and information that would require  
7 referral back to the DoD for a decision. It was not  
8 necessarily intended as the overall comprehensive  
9 declassification guidance needed to implement  
10 declassification decisions.

11 PROFESSOR LEFFLER: So what we focused on at  
12 the last meeting was the fact specifically that OSD had  
13 not updated its guidelines since 1983.

14 So, I would like to know since that last  
15 meeting what progress has been made or what types of  
16 decisions have been made to see that at least the OSD  
17 guidelines would be updated?

18 MR. LEONARD: As I mentioned, the policy  
19 implementation for the Executive Order to include all  
20 aspects of the order, declassification aspects of it, is  
21 set forth in the DoD Information Security Program  
22 Regulation and that was promulgated in the early part of

1 this year. And that's what gives the DoD components the  
2 guidance that they require in terms of implementing  
3 provisions of the Executive Order itself. In terms of  
4 the -- you want to give an update on the --

5 MS. KLOSS: We had several meetings to review,  
6 revise, repackage, readdress the 1983 guide. In fact,  
7 we are exploring the issuance under the DoD  
8 declassification plan in lieu of the DoD instruction.

9 It truly is a very narrow scope document and  
10 applied to relatively few individuals and may be better  
11 handled as a declassification plan attachment or  
12 addendum. We've revised it now, I think we're on our  
13 second revision of the document. I think it has a way  
14 to go though. I don't think we're prepared to go out as  
15 of yet.

16 PROFESSOR LEFFLER: Second revision of which  
17 document?

18 MS. KLOSS: Of the 1983 guidance.

19 PROFESSOR LEFFLER: I see, for OSD?

20 MS. KLOSS: Correct.

21 PROFESSOR LEFFLER: When do you expect that  
22 review to be completed?

1 MS. KLOSS: I don't know. Two revisions, and  
2 it still needs work.

3 DR. GOLDBERG: It has to be completed if  
4 they're going to use contractors. We're going to need  
5 more precise guidance, presumably, and broader guidance  
6 than they need for their own few people that have been  
7 doing it up to this point. So there is going to be a  
8 revision. What it will be like, we can't tell yet, can  
9 we?

10 MS. KLOSS: It is starting to take shape. And  
11 I'm telling you I think it needs a lot more work in  
12 order to be a productive document that will guide folks  
13 in their actions.

14 DR. CAHN: Can you tell us what some of the  
15 stumbling blocks are and the problems that you have  
16 encountered?

17 MS. KLOSS: Categorizing information that's in  
18 several hundred classification guides and putting it in  
19 language that is understandable to a non-DoD audience.  
20 We have a separate language that we speak. It's not  
21 translating very well.

22 While I may know the ins and outs of the

1 various aircraft that we're referring to, I'm not sure  
2 that our brethren in other agencies would know the  
3 nuances of ASE versus navigation tools versus  
4 interconnectivity of the weapons systems to the pilot  
5 cockpit and so forth.

6 It is the complexity and the level of detail  
7 that should be included in that guidance that we are  
8 debating right now. I don't have an answer.

9 PROFESSOR LEFFLER: Once again, I'm not sure,  
10 are you talking about guidelines for all of DoD or just  
11 OSD?

12 I'm a little confused here, because one of the  
13 things that I think we tried to focus on was that some  
14 of these issues with regard to particularity of weapons  
15 systems, et cetera, would not really bear significantly  
16 on the types of papers and documents within OSD RG330  
17 which is what we were focusing on and I thought that  
18 during that discussion last time that that was the  
19 emphasis OSD RG330 guidelines.

20 Are you sort of talking now more broadly about  
21 DoD guidelines or just OSD guidelines?

22 MS. KLOSS: Sir, the document of question is a

1 DoD wide set of guidance that is not specific to any  
2 record group or to any organization.

3 Organizational guidelines such as that issued  
4 by Navy is very complete. It is stand alone  
5 information, issued by Air Force as a stand alone, but  
6 it has never been our intent at the DoD level, OSD staff  
7 level, to issue a specific guidance for staff elements.  
8 That is not to say that Washington Headquarters Service  
9 may not explore that in the future.

10 PROFESSOR LEFFLER: Is there a gap here, then,  
11 between what we were discussing last time in the  
12 committee and what you're actually doing?

13 Because I thought the whole thrust of the  
14 deliberations here, last meeting and perhaps the prior  
15 meeting, was to say that in order to expedite progress  
16 on the issues that concern most of the historical  
17 audience related to OSD and JCS records, RG330 and  
18 RG218, and that there would be a commensurate effort by  
19 the people inside the government to focus on those two  
20 record groups in particular in order to be responsive to  
21 the demands of this committee and the larger  
22 constituency outside.

1 MS. KLOSS: You are absolutely correct. There  
2 was a gap. The information presented last meeting was  
3 -- the depiction was that a document designed to be  
4 primarily a referral threshold identification document  
5 was interpreted as declassification guidance and that is  
6 not the case. Declassification guidance must be replete  
7 with information that will be retained in a classified  
8 state, how long it will be classified, what thresholds  
9 will be used to determine when it will be declassified.

10 The document that was referred to at the last  
11 meeting is not that document and that's why we did want  
12 to clarify the discussion points from last meeting.

13 PROFESSOR LEFFLER: So, what then is happening  
14 in terms -- what is the progress that is occurring with  
15 regard to declassifying and making accessible the  
16 records that this group has focused on extensively for  
17 the last 18 months, that is RG330 and RG218?

18 I hear a lot of sort of specialized jargon,  
19 but I mean, what is the bottom line here in terms of the  
20 real progress to opening up the records and making  
21 available those records that we have been focusing on  
22 for the last 18 months?



1 MS. KLOSS: There are two issues. The first  
2 issue is the declassification of those records. OSD,  
3 under the Washington Headquarters Service, Record Group  
4 330, is making phenomenal progress. They are certainly  
5 positioned to meet the Executive Order goal for that  
6 record group.

7 Two caveats. (1) Many of the record groups  
8 that are of most interest to this panel are on our list  
9 of exempt records that are pending presidential review  
10 and potential approval. That's issue one.

11 Issue 2 is once the records are declassified,  
12 when do those records get into the hands of the  
13 researcher. And that specifically is why we've asked  
14 Dr. Kurtz to come back and follow up on last month's or  
15 last meeting's discussion.

16 So, I do see it as two separate problems. I  
17 am confident in saying to you on the declassification  
18 side we're not in bad shape here. We're in pretty good  
19 shape to continue the progress for the year 2000 and  
20 beyond with declassification efforts. But we are also  
21 not in a position to combine declassification with  
22 immediate review and release.

1           PROFESSOR LEFFLER: Let me just pursue that.  
2    You say most of the records that this group is most  
3    interested in is going to be on the automatic exemption  
4    list, is that right? It's going to be on the exemption  
5    list submitted to the President, is that correct?

6           MS. KLOSS: Yes.

7           PROFESSOR LEFFLER: Once those records are on  
8    the exemption list, then they don't have to be  
9    declassified and opened up. So is the substance of what  
10   you are saying that the things we're most interested in,  
11   that progress has been made, is that you put them on an  
12   exemption list so that we will never have access to  
13   them?

14          MS. KLOSS: No, sir. At the first meeting,  
15   sir, when we gave you the exemption list, you saw that  
16   the high value records, those records that are most  
17   replete with classified information are in fact good  
18   category records for files deserving exemption. That  
19   does not mean that they're going to be buried, that  
20   means that they'll be reviewed as part of the systematic  
21   declassification program.

22          PROFESSOR LEFFLER: Yes, but this panel also

1     said at that time that it took issue with the fact that  
2     so many series were on that exemption list, that they  
3     weren't carefully delineated in the way that this panel  
4     said that they should be carefully delineated. And the  
5     statement that you make that then they will be ready for  
6     systematic declassification doesn't mean or give us a  
7     timetable when these things will, in fact, be  
8     declassified.

9             It's sort of, to my mind, it is obfuscating  
10    the issue of when these things really will become  
11    available.

12            Correct me if I'm wrong, because I'm really  
13    trying to understand. We're told, every time we meet  
14    we're told a lot of progress is being made; but, I'm not  
15    sure I see that with regard to the record groups that  
16    this panel has focused on, that that optimistic  
17    generalization is being implemented in a way in which  
18    people actually see results. Results are defined by  
19    what people and researchers can actually see. And I  
20    would like to know what is happening so that  
21    researchers, historians, and the public will actually  
22    get access to and be able to see the documents that this

1 group has said are most important.

2 MS. KLOSS: I think that is an excellent segue  
3 to introduce Dr. Kurtz to talk about the procedures on  
4 releasing the record. Please understand the delineation  
5 between the declassifiers and the programs that we  
6 represent in our charter compared to the overall release  
7 issue. And if I could bring up Dr. Kurtz so we can stay  
8 on some sort of a schedule, I would appreciate that.

9 PROFESSOR LEFFLER: Let me just interrupt and  
10 say, Cynthia, you do a wonderful job trying to defend,  
11 but I would simply, for myself at least, I don't know  
12 for the other historians, but I simply would like to be  
13 on the record as saying that I myself do not feel  
14 optimistic. I do not share Dr. Goldberg's assessment  
15 that a great deal is being accomplished and has been  
16 accomplished.

17 If you can say to me and demonstrate to us  
18 that, in fact, files are being declassified and being  
19 made accessible to historians, then I would know that  
20 progress is happening. When you can say to us that the  
21 files we had stated what we regard as the most important  
22 files, if those files, that actual action is being taken

1 on those files, and action meaning declassification and  
2 accessibility, that's when we will know progress is  
3 being made.

4           Until that happens, it does not appear that  
5 progress is being made. It doesn't appear that way to  
6 me that progress is being made. And I think the  
7 constant effort to sort of move from the OSD and JCS 218  
8 records to tell us about all the DoD records, is a way  
9 -- and then to tell us that 60 million pages are being  
10 declassified, that's a way to really circumvent the very  
11 issues that we have said we want to focus on.

12           In order to make progress in this whole  
13 venture, we have said let's concentrate on those  
14 materials that we regard as most important to  
15 researchers and to the public. And we agreed that those  
16 were RG330 and RG218.

17           And I want to know, and I think this panel has  
18 a right to know, what is happening with RG330 papers and  
19 RG218 papers so that they are being declassified and  
20 made accessible?

21           When that happens, we will know progress is  
22 underway. Until that happens, it doesn't look like

1 progress is underway.

2 DR. GOLDBERG: From the beginning, we have  
3 known that progress would be slow and that there would  
4 have to be a great deal of patience.

5 I can understand your impatience, you'd like  
6 to have what you'd like to have now or even sooner and  
7 I'm hopeful that we'll be able to meet some of your  
8 goals in the near future.

9 But you have to keep in mind that C3I has the  
10 responsibility for all of DoD, that OSD and JCS are only  
11 one part of it, that progress indeed has been made in  
12 other areas of DoD that may not have been made at the  
13 rate that you would like in OSD and JCS.

14 On the other hand, I think I'm correct in  
15 saying that there is a better possibility of progress  
16 now because a great deal more will be devoted to  
17 declassifying.

18 You raise the issue of the exempted records  
19 and that's a valid issue and an important one and  
20 probably the key one.

21 On the other hand, we're not in a position yet  
22 to give an answer on that because that determination is

1 going to have to be made somewhere else. I'm inclined  
2 to agree with you that probably far too much has been  
3 but in the exempted category.

4 PROFESSOR LEFFLER: I hope you are at least  
5 articulating that. I mean, that's one of things we've  
6 talked about that far too much has been put in the  
7 exempted categories, but I don't hear that the  
8 Declassification Management Panel or the authorities  
9 that be in DoD are really taking our concerns seriously  
10 with regard to that issue.

11 I think almost the very first meeting we had  
12 when we saw those exemption lists that were enormously  
13 expansive, and in some cases, unbelievably ambiguous, we  
14 stated that these were not satisfactory and we asked for  
15 clarification. I've not seen that any clarification has  
16 occurred over the last two years.

17 MS. KLOSS: Actually the entire summer has  
18 been devoted to each and every one of the submissions  
19 being redefined, expanding more detail on what's in the  
20 individual record series and the file series that were  
21 on the exemption list, more definitive dates for events  
22 for declassification. If it was not made clear in our

1 presentation, I do apologize. That has been a  
2 tremendous effort this past summer in preparation for  
3 the National Security Counsel review.

4 PROFESSOR WEINBERG: I would like to go back  
5 to the issue of delegation authority. In your report I  
6 heard no reference to one of the recommendations that,  
7 in a sense of seeing them there, and that is the  
8 suggestion that where portions of DoD are reluctant to  
9 delegate either to each other or outside the possibility  
10 of chronological division, delegation up to 1955, 1960,  
11 whatever date the people involved. Is any thought by  
12 those who seem hesitant about delegation being given to  
13 the possibility of delegating up to some chronological  
14 point in the period covered by the records?

15 MS. KLOSS: Well, ~~We~~ have discussed  
16 delegation. We discussed delegation on topical lines,  
17 on chronological lines, and I hope that tomorrow's  
18 demonstration will give you more confidence that at a  
19 component level, where there is definitive guidance that  
20 delegation is in fact being executed right now. For a  
21 blanket DoD policy, though, we are not prepared to make  
22 that recommendation to our leadership. That may be



1 something in the future, but not right now. What we  
2 tried to do this morning is give you a recap of progress  
3 to date. We still are working on it.

4 PROFESSOR WEINBERG: Has there been any  
5 internal discussion of this chronological issue within  
6 the delegation question which has been bothering  
7 everybody since we got started?

8 MS. KLOSS: There has been discussion  
9 internally, yes, sir.

10 DR. GOLDBERG: I think we better give Mike  
11 Kurtz an opportunity to speak his piece and to answer  
12 questions and to continue this discussion.

13 BRIEFING BY

14 MICHAEL KURTZ

15 MR. KURTZ: My task at the last meeting, as I  
16 suggested, that NARA would do a project to try to find  
17 out how long it really takes to do the processing once  
18 the records are transferred to us in accession for  
19 RG330. Let me kind of go through that. I will try to  
20 be as clear as I can about what we found and how much  
21 time it's going to take. It's no cause for undue  
22 optimism, as far as the time period that it takes.

1           Our basic problem, first of all with this  
2 particular collection is that the documents that are  
3 exempt were not tabbed, they're stamped. So it requires  
4 going through page by page to find the stamped documents  
5 so that they can be withdrawn and that takes a lot more  
6 time than when the records are tabbed.

7           BG ARMSTRONG: Has any change been made to  
8 that to make it easier for you?

9           MR. KURTZ: I assume now everyone is supposed  
10 to tab, right?

11          MS. KLOSS: That's what we're asking for.

12          BG ARMSTRONG: Okay.

13          MR. KURTZ: That would speed it up a good bit.

14          The other thing is, sometimes the records are  
15 disarranged so they have to be put into proper  
16 arrangement. We have to do some basic cataloguing  
17 information, descriptive information. Our agency is  
18 developing an on-line catalogue to all of our holdings  
19 and so this is obviously part of that. So we have the  
20 basic description, the basic arrangement problems. We  
21 have also holdings maintenance where if records are  
22 falling apart, or folders are acid-base folders, we've

1 got to put them into acid-free folders, acid-free boxes  
2 identifying the exempt documents. So on a  
3 ten-cubic-foot part of the accession, it takes almost a  
4 hundred hours of processing.

5 We have accession to date in RG330 almost  
6 3,100 cubic feet. Mel Leffler asked me a question  
7 beforehand and I have all kinds of numbers and so forth,  
8 except what he asked me, which is what's still at the  
9 records center in Suitland, because there's a large body  
10 of 330 material that's scheduled to be transferred  
11 between 2000 and 2016. By schedule, I'm referring to  
12 the disposition schedules that dictate when series of  
13 records are transferred to us.

14 DR. CAHN: Could you just repeat the figure  
15 you gave, a hundred hours of processing for --

16 MR. KURTZ: For ten cubic feet.

17 DR. CAHN: For ten cubic feet, thank you.

18 MR. KURTZ: And right now we have about 3,100  
19 cubic feet accession.

20 What I want to do is, when we get back to the  
21 office, is get information back to the committee that  
22 will provide -- tell you how many cubic feet are at

1 Suitland in RG330, if you don't feel like waiting until  
2 the next meeting, we'll just get the information to you  
3 so you know the totality of the number at least.

4 PROFESSOR LEFFLER: Michael, those 3,100 cubic  
5 feet that you have cover what years?

6 MR. KURTZ: Jeanne, do we have the years, the  
7 time frame that the 3,100 cubic feet covers?

8 MS. SCHAUBLE: No, I don't have it.

9 DR. GOLDBERG: Probably in the early 1960s.

10 MR. KURTZ: I was going to say mid-60s at the  
11 latest.

12 DR. GOLDBERG: About 1963 or '4, probably.

13 MR. KURTZ: '53 - '64.

14 PROFESSOR LEFFLER: So from around 1954 to  
15 '60?

16 MR. KURTZ: Right. One of our -- let me kind  
17 of give you the overall problem that we have with  
18 processing and then pose an idea to see if it might be  
19 useful.

20 We have tens of thousands of cubic feet to  
21 process from the State Department and from the other  
22 agencies. We have a backlog of processing now of

1 approximately 25-30,000 cubic feet.

2 The issue for us is to make available to  
3 researchers what it is they're most interested in. It  
4 has been a long time since the Archives convened kind of  
5 a summit of academic researchers to really kind of go  
6 through what we have in our backlog and to identify what  
7 is the highest priority, what's the most interest to  
8 researchers and to kind of work our schedule that way.

9 We don't have anything invested into doing  
10 this accession over that accession. It is really what  
11 is going to be most useful. So what I'm thinking of  
12 doing this fall is to organize an informal meeting of  
13 our most active researchers and make sure, try to cover  
14 all elements of the researcher community and to really  
15 deal with the issue of priorities and see if that helps.  
16 Because, you know, for instance, Mel, you are interested  
17 in State Department records, you are interested in 330  
18 and 218. And we need to try to kind of work out some  
19 kind of orderly system to just sort of work this  
20 through.

21 It's probably been five or six years at least  
22 since we did that.

1 BG ARMSTRONG: Can I ask you a question about  
2 that?

3 MR. KURTZ: Sure.

4 BG ARMSTRONG: When you do that, are you going  
5 to take into consideration the other declassification  
6 efforts that basically made things available,  
7 particularly the Persian Gulf stuff, the DoD MIA/POW  
8 stuff?

9 My understanding is that has come out sort of  
10 separately from NARA. In other words, it doesn't come  
11 out through the NARA process, it comes out through some  
12 sort of DoD process.

13 MR. KURTZ: What I'm talking about is a  
14 process which will be accessioned.

15 BG ARMSTRONG: I understand that, but those  
16 records are within the public purview now not having  
17 gone through your process, is that correct?

18 MR. KURTZ: Not that -- I don't think so. I  
19 mean I'm talking about what we have made available not  
20 what the department has made available.

21 MS. NASARENKO: I'm Jennifer Nasarenko from  
22 Defense Prisoner of War Missing Personnel Office. To

1 answer your question, an enormous amount of what is at  
2 Suitland awaiting the year 2000 or between 2000 and 2016  
3 to be accessioned into the Archives was reviewed under  
4 the Central Documentation Office and what is now the  
5 PMO. And copies of that were made that was reviewed,  
6 redacted, to be declassified and they are now available  
7 in the Library of Congress collection that I will speak  
8 to later on this morning. An enormous amount of that is  
9 in the public domain already.

10 BG ARMSTRONG: The point I'm trying to make is  
11 just that fact, that that material is in the public  
12 domain and when you have your meeting, that be taken  
13 into consideration because what I'm trying to get at is  
14 we don't want to do the same thing twice.

15 MR. KURTZ: Right.

16 DR. GOLDBERG: You are dealing with accession  
17 material.

18 MR. KURTZ: Exactly.

19 DR. GOLDBERG: You are not dealing with  
20 material that still belongs to other government  
21 agencies. They still have a right to do with it what  
22 they please until you get hold of it. So your concern

1 is what you hold now.

2 MR. KURTZ: Right.

3 Those were the basic points that I wanted to  
4 bring across and get your input whether you think that  
5 kind of a meeting would be useful to the researcher  
6 community --

7 DR. GOLDBERG: Can you speak up, please.

8 MR. KURTZ: Okay. I just wanted to get the  
9 committee's reaction to the idea of having kind of a  
10 round table session on priorities, as far as our  
11 processing goes.

12 DR. GOLDBERG: Gerhard.

13 PROFESSOR WEINBERG: Since everybody would by  
14 definition if you have this be upset at being left out,  
15 may I make a practical suggestion and that is that you  
16 get, or that at least you consult with the joint  
17 committee and historians and Archives of the SAA, AHA,  
18 and OAH, and ask them to provide advice in convening the  
19 panel, because after all, those are the representatives  
20 of the professional organizations. They may not  
21 themselves be the ones who are your most busy customers;  
22 but, they are delegated by their respective



1 organizations to do this sort of thing.

2 MR. KURTZ: That's a good idea, thank you.

3 DR. GOLDBERG: You'll get all sorts of  
4 recommendations for priorities. Who will then establish  
5 the priorities?

6 Because if you take what you're given by  
7 researchers, you're going to have one big broad band of  
8 priority one.

9 MR. KURTZ: I'm hoping that we can have kind  
10 of a frank and full discussion.

11 PROFESSOR LEFFLER: We had about six years ago  
12 at the Archives when we met, there was a very good  
13 discussion.

14 MR. KURTZ: It wasn't all priority ones.

15 PROFESSOR LEFFLER: No, we really made some  
16 fine distinctions.

17 MR. KURTZ: We did something similar also with  
18 historians interested in DOE, atomic energy records and  
19 that kind of set our work, our processing work load  
20 there. I'm more optimistic than that.

21 DR. CAHN: You envision this meeting would be  
22 just to go over your DoD records?

1           MR. KURTZ: No, the totality. I think it  
2 would be very interesting -- DoD in a sense is too  
3 narrow. You need to look at all the records that  
4 historians are interested in.

5           DR. CAHN: You probably want to have at least  
6 one representative from each of the panels, which is  
7 already advising the other agency as well as our own.

8           MR. KURTZ: Definitely would do that and I  
9 really like the idea of a joint committee as the right  
10 vehicle to work with.

11          BG ARMSTRONG: Is this meeting going to be  
12 open to the public?

13          MR. KURTZ: Sure.

14          BG ARMSTRONG: I think it should be.

15          MR. KURTZ: No reason for it not to be.

16          DR. GOLDBERG: Researchers are members of the  
17 public.

18          BG ARMSTRONG: Yes.

19          DR. GOLDBERG: Are there any other questions  
20 for Mr. Kurtz?

21          MR. KURTZ: Thank you.

22          DR. GOLDBERG: Just a minute.

1                   PROFESSOR LEFFLER: Michael, what is the  
2 bottom line?

3                   You probably mathematically worked it out, a  
4 hundred hours of processing for ten cubic feet, 3,100  
5 cubic feet, this is just a small percentage of the  
6 total. When will we start -- give us some notion for  
7 the public record of when we will really start seeing  
8 these records, given the formidable task that lies  
9 ahead, especially in light of the refusal to grant bulk  
10 declassification?

11                  MR. KURTZ: Well on the 3,100 cubic feet,  
12 President Clinton came to this building a couple of  
13 weeks ago to launch his Millennium initiative and maybe  
14 we need to look at this processing project as one of the  
15 Millenniums.

16                  PROFESSOR LEFFLER: It'll be the next  
17 Millennium.

18                  MR. KURTZ: Right.

19                  (Laughter.)

20                  MR. KURTZ: This is going to take, at the pace  
21 that we're going, this is going to take about four of  
22 five years to complete the processing on this 3,100

1 cubic feet. People can get to it as the processing is  
2 completed. It's not like they have to wait for the  
3 whole thing.

4 My reason for wanting to get some kind of  
5 consensus if it's at all possible on priorities is this  
6 is a very slow pace. And if in the process of  
7 consultation that this becomes a higher priority than  
8 some other collections we're processing, then you can  
9 put more people on it. It's a people issue. How many  
10 people are working on the collection? There's nothing  
11 real esoteric about that.

12 DR. GOLDBERG: How much would you have to  
13 refer, of those 3,100, how much would you have to refer  
14 back to OSD, for instance?

15 MR. KURTZ: Jeanne?

16 MS. SCHAUBLE: These particular records have  
17 already been reviewed by OSD under their systematic  
18 review program.

19 DR. GOLDBERG: All of it?

20 MS. SCHAUBLE: I can't say the whole 3,100.

21 DR. GOLDBERG: Any of it exempted?

22 MS. SCHAUBLE: Owe yes, that's what we are

1 looking for.

2 MR. KURTZ: Did you mean exempted from the  
3 file series exemption or have been exempted on the  
4 systematic review?

5 DR. GOLDBERG: Either one.

6 MR. KURTZ: What I was talking about, finding  
7 the stamped documents, they have been exempted, so yes.

8 DR. GOLDBERG: A substantial amount falls in  
9 that category.

10 MR. KURTZ: That's right.

11 PROFESSOR LEFFLER: All this material, of  
12 course, was reviewed prior to the end of the Cold War  
13 maybe under the 1983 guidelines, maybe even before the  
14 1983 guidelines. And that stuff is going to be set  
15 aside and nobody is even going to be able to look at  
16 that for the indefinite future, right?

17 Because all you are doing is pulling it out  
18 and putting it in separate boxes and there's absolutely  
19 no hope of anybody ever getting to see that material,  
20 except through FOIA requests?

21 MR. KURTZ: Realistically, that's right.  
22 There is so much material to get through that hasn't

1 even been reviewed, I'm not just speaking about DoD or  
2 OSD. That's our first priority, not materials. This is  
3 an issue with the State Department records too that had  
4 been previously exempt, you know not being re-reviewed  
5 under the guidelines.

6 Just for a little historical note, when we  
7 were working on the Executive Order that declassifies  
8 World War II information, one of our proposed categories  
9 was previously exempt material from World War II. And  
10 the agencies really strongly objected to that, they  
11 wanted to have a re-review. So it's an issue that's at  
12 some point somebody's got to re-review it.

13 PROFESSOR LEFFLER: As a practical  
14 consideration here that might be constructive, your  
15 people actually are going through each box and  
16 physically putting your hands on every piece of paper,  
17 right, essentially.

18 Wouldn't it make sense, wouldn't it be  
19 incredibly desirable, since you have to do that in any  
20 case, if you had some guidelines that said, as you look  
21 at it, so much of that material which was once  
22 classified -- which they said should not be opened up,

1 would now under any reasonable interpretation be opened  
2 up, right?

3 MR. KURTZ: Yes.

4 PROFESSOR LEFFLER: I mean the vast majority,  
5 given the changes. Wouldn't it make sense if you had  
6 guidelines for a few people from OSD over there, you  
7 know, saying, okay, let's do this while we're physically  
8 putting our hands on it anyway, it would save so much  
9 time because ultimately sometime in the future when the  
10 next Millennium comes around, those materials will be  
11 there and you will be sending over a thing and we'll  
12 hear steady progress is being made.

13 But I would make a suggestion here for us to  
14 think about whether it would be desirable to ask OSD,  
15 probably up for -- there may be disadvantages to this --  
16 to actually have people there when you are going through  
17 it. If this material is accessioned, as some of the  
18 most important material that we've identified is being  
19 handled, why not try to at least do what we can to make  
20 it available?

21 MR. KURTZ: I think Cynthia and I should talk  
22 about that and see how to do that.

1           BG ARMSTRONG: I further bring in the idea of  
2 looking at the oldest records first and getting some --  
3 it boggles my mind that we're still worried about old  
4 World War II records, except in a very few cases. If I  
5 could think of one now, I'm sure there are some, but we  
6 really ought to get past that.

7           I really do think that some sort of -- even if  
8 it's 1950, that prior to 1950 these records, with some  
9 few exceptions, be automatically declassified.

10           Because I really do think that Mel has a point  
11 about this getting on with getting some sort of guidance  
12 with people other than the services and OSD can use to  
13 make some decisions. We have just heard the Air Force  
14 say, yes, we'll trust the Navy to do this. We all work  
15 for the same government and it seems to me reasonable to  
16 assume that a person at NARA, even though he or she may  
17 never have had a uniform on, can take guidelines and  
18 interpret those, particularly for older materials.

19           Just your suggestion about, let's only look at  
20 it one more time before we declassify it is really a  
21 good one.

22           MR. KURTZ: I think then Cynthia and I need to



1 talk and see what we can do to try to make this a  
2 one-time review.

3 DR. GOLDBERG: There's not much that boggles  
4 my mind anymore about this subject. But I do certainly  
5 endorse the idea of re-reviewing all of this material  
6 and for OSD and other components of DoD to take  
7 responsibility, it seems to be the most efficient and  
8 sensible way of doing it and I think we should pursue it  
9 very strongly with DoD and its component elements. It  
10 is a major consideration. I think it is correct, things  
11 that were exempted 15, 20, 25 years ago or even longer,  
12 certainly many of those don't need to be exempted any  
13 longer. We should certainly make every effort to use  
14 some of these resources that we expect to be getting for  
15 that purpose, I think that should be one of our stronger  
16 recommendations.

17 PROFESSOR WEINBERG: That would also reduce  
18 the cost issue of keeping things classified. Because  
19 the National Archives ends up with huge physical  
20 collections of classified material. If those could be  
21 shrunk, maybe everything before 1950, except in the  
22 records of mass destruction category, let us say, that

1 ]will dramatically reduce volume and, therefore, cost.

2 MR. CLARKE: Yes. Mike, have you attempted to  
3 have the people from DOE and --

4 MR. KURTZ: Uh-hum, we have a lot of people --

5 MR. CLARKE: -- working declassifying their  
6 own records?

7 MR. KURTZ: We have a significant Air Force  
8 contingent, CIA, State Department, DOE, Navy is about to  
9 send over a number of them.

10 MR. CLARKE: That's not unusual at all.

11 BG ARMSTRONG: Mike, we talked a lot about  
12 this flood of records being reviewed and so forth and so  
13 on. That flood, I guess has started to reach you in  
14 same fashion. Has NARA gotten any additional assets to  
15 deal with these records?

16 MR. KURTZ: Not one.

17 BG ARMSTRONG: I suggest I don't think that's  
18 appropriate for this panel to comment on, but certainly  
19 the academic members ought to point out that in their  
20 professional societies that the federal government can  
21 sort of wash its hands of much of this stuff and it  
22 doesn't get to you, the exact problem that you've talked

1 about, there's nothing more frustrating than to be told,  
2 yes, we have done our part, but it still hasn't been  
3 processed.

4 DR. GOLDBERG: The lack of resources by NARA  
5 points up all the more the necessity and the  
6 desirability of the other government departments  
7 providing assistance in reviewing this material and  
8 especially the exempted material. And if DoD is going  
9 to have additional resources, it seems likely, then some  
10 of it ought to be devoted to that purpose.

11 MR. KURTZ: Absolutely.

12 DR. GOLDBERG: You endorse, I take it?

13 MR. KURTZ: I do. I like this idea, is even  
14 better than yours.

15 (Laughter.)

16 BG ARMSTRONG: I don't know, but I think the  
17 panel ought to sort of go on record, I personally agree  
18 with the thrust of Mel's argument which essentially is,  
19 look until a researcher can look at the material, the  
20 government really has not finished its job. And it  
21 ought to think of this process of declassification and  
22 think about it all the way through the process to

1 getting it actually in the public record and in the  
2 public's hands.

3 Cynthia has -- I've listened to Cynthia for 18  
4 months now and she is wonderful, but she has a different  
5 set of issues to deal with. And the frustration that  
6 Mel is expressing I think is understandable.

7 She is talking about her process and you are  
8 saying, wait a minute, there's nothing coming out of the  
9 tap. You are turning the spigot at your end and putting  
10 enormous money and hours into it, but nothing is coming  
11 out to a scholar and the public at the other end.

12 I think that's an important issue that needs  
13 to be addressed and I think Al is right, that OSD has an  
14 interest, although, it may not be a responsibility  
15 directly, it certainly has an interest for getting the  
16 kinds of information that it does agree can be  
17 declassified into the hands of the public.

18 DR. GOLDBERG: Before we break, let me say one  
19 word to you, Mel. There's lots of frustration on that  
20 side. Perhaps not exactly the same as yours, but I'm  
21 sure Cynthia is faced with frustration all the time in  
22 dealing with this subject. There's so many elements

1 involved, there's so many complexities and it gets to be  
2 so difficult at times to get people to do things or to  
3 commit themselves to things. There's bound to be a  
4 great deal of frustration, even irritation. Having said  
5 that, why don't we take a break for five or ten minutes.

6 MS. KLOSS: Rich, how is your time?

7 MR. WARSHAW: My time is good.

8 MS. KLOSS: So we can do a short break and you  
9 won't be off schedule, thank you.

10 DR. GOLDBERG: All right.

11 (Recess.)

12 BRIEFING BY

13 RICH WARSHAW

14 MR. WARSHAW: I thank Mr. Leonard for his kind  
15 words. I am the chair of the External Referral Working  
16 Group, but I have another role as Chief of CIA's 25-Year  
17 Automated Declassification Program. Okay, I am talking  
18 now though exclusively about the External Referral  
19 Working Group, an interagency group.

20 We're at the beginning of the referral  
21 problem. Well, the referral process has been in  
22 government for a long time, but it's picked up in the

1 Executive Order, I think, quite explicitly. And  
2 basically that's from the Executive Order and the last  
3 sentence there, or the last part of the sentence says,  
4 "It shall refer copies of any request and the pertinent  
5 documents to the originating agency for processing...."

6 So it's picked up in the Executive Order  
7 itself that there is a referral problem and there is an  
8 obligation to refer. Now, there's a great deal of  
9 debate as to what that means, obviously, there are other  
10 ways of doing it. It just acknowledges some originating  
11 agency equity in the information.

12 So in practice, what is referral?

13 We see two types of referral, basically. One  
14 is when you note your agency X, I'm talking here, by the  
15 way, specifically with respect to 25-year  
16 declassification efforts, not with respect to other  
17 programs that have been mentioned and no doubt will be  
18 discussed.

19 But in the 25-year world, we refer to  
20 referral, two types. If for example, you have an equity  
21 of an agency imbedded in your document, other agency  
22 information that is ferreted out, either cleanly or

1 perhaps ambiguously in a document in your collection,  
2 there is the obligation to notify, et cetera, the other  
3 agency and seek their guidance.

4 Another type which is also very common, that's  
5 the presence of a complete letterhead document of  
6 another agency in your collection. And once again, the  
7 referral obligation, and of course, that goes back and  
8 forth between the agencies and creates an enormous  
9 amount of work and an enormous amount of complication.

10 Let's try to break the problem down a little  
11 bit here. In order to catch the referral problem, a  
12 primary review has got to take place somehow. And  
13 generally speaking, agency ownership does exist, but  
14 there are exceptions like presidential libraries and NSC  
15 material where you really don't have a natural body to  
16 do the primary review even. So the problem gets more  
17 complicated and the ERWG has basically taken on board  
18 those major collections as well.

19 Then you have the notion of identification of  
20 the equity. It's not always obvious. And then the  
21 responsible agency problem, how do you get it to whoever  
22 in theory is the responsible agency?

1 I think there was some discussion of the DoD  
2 concern on that. And believe me, it is very, very  
3 difficult as you try to trace back in this old material  
4 who the responsible agency is sometimes.

5 Then we have what we do once we find it and  
6 really the referral community talks about two notions.  
7 One is tabbing, you heard that word mentioned, and then  
8 notifying the responsible agency that you tabbed it.  
9 Sounds like a fairly straightforward thing to do, but  
10 when you get into large volumes, it becomes very  
11 complex.

12 And then there is also a school of thought  
13 that believes in physical document transfer. Basically,  
14 you send them the document and you ask them to review  
15 it. Then they've got to do the review and then they  
16 have whole notions of mark up and ultimate resolution of  
17 how do they indicate the results of their review, et  
18 cetera, et cetera.

19 Now what makes this interesting is the volume.  
20 Of course it's interesting anyway, but what makes it  
21 particularly interesting -- I hark back to the Moynihan  
22 Commission and the numbers in the Moynihan Commission



1 for nonexempt records, now we talked about exemptions,  
2 put a lot aside. But after you put a lot aside,  
3 government wide there's a lot left, a big lot.

4 The minimum number in the Moynihan Commission  
5 report is 720 million. That is the minimum. That is a  
6 very large number. Primary review is a problem. I will  
7 assert that.

8 Secondary review or referrals is also a  
9 problem, even if you take estimates like 10 to 20  
10 percent, because there that's additional work load  
11 involved in referrals. And so the 10 to 20 percent  
12 you're down 70 or so to 140 million pages that have to  
13 go through the referral process. That is complex.

14 Work load is a major problem, equity  
15 identification and responsible agency issues are  
16 complicated. So about the only way you can attack a  
17 problem of this magnitude -- I like to refer to it as  
18 kind of the Manhattan Project Declassification. The  
19 whole 25-year effort is really on that scope of  
20 complexity and size. Slight exaggeration, perhaps.

21 We have to work together on things like  
22 efficiency, cooperation, standards, automation, training

1 and all these things and that's where the ERWG comes  
2 into play.

3 A little history on the ERWG. Shortly after  
4 the Executive Order was signed, the intelligence  
5 community formed a group they called the  
6 Declassification Program Managers Council, I heard speak  
7 of the DoD Council, that's probably somewhat similar.  
8 And that group quickly noted that, though it was a high  
9 level group, if they actually wanted some work done,  
10 they'd better get down to lower level declassifiers, et  
11 cetera, and they formed several working groups, in  
12 January of '96, as a matter of fact.

13 One of these was the External Referral Working  
14 Group, a terrible acronym, but that's the one they came  
15 up with. And the ERWG started out with four or five  
16 intelligence community agencies or related agencies, but  
17 it has quickly grown to over 40 declassification  
18 activities. And I think there's a good reason why it  
19 grew way beyond the community, is because there is  
20 tremendous need in this area with the April 2000 date  
21 confronting all agencies to work together. We know  
22 that's a concern of many folks, do they work together,

1 et cetera. Well, it's taken time, but I do believe  
2 that's coming together. And just the existence of the  
3 ERWG which is basically an organic organization, there  
4 was no fiat. It was very informal and continues to be.  
5 I think it's an indication of agency interest across the  
6 board. The ERWG is an active group. It meets monthly  
7 at Archives. As a matter of fact, it met yesterday for  
8 over three hours.

9 The structure under the DPMC, there are three  
10 groups, actually. There is an ERWG, also to address the  
11 automation problem. They formed an Automation Working  
12 Group. And because automation has some particular value  
13 in the referral area, the AWG has concentrated on  
14 automation support referral and I will talk briefly  
15 about that.

16 There is a third policy type group, the Public  
17 Disclosure Coordinating Committee, which has to do more  
18 with declassification policy on issues of  
19 declassification not process. These groups are  
20 basically process, ERWG and AWG are process groups.

21 A few more words about the Automation Working  
22 Group. That is chaired by Tom Curtis in the Department

1 of Energy. And particularly it's composed of agencies,  
2 again, it's gone way beyond the intelligence community,  
3 interested in applying technology to declassification.  
4 And what they have accomplished, I think it's a real  
5 accomplishment, is they've come up with a draft standard  
6 for the automated referral of documents. I think that's  
7 a big breakthrough.

8 BG ARMSTRONG: Is that standard, will it be  
9 implemented at anytime soon?

10 MR. WARSHAW: The standard will be implemented  
11 informally. There is an issue as to how it gets  
12 implemented formally. But I think what will probably  
13 happen is ISOO will pick it up in subsequent revisions  
14 of implementation of the records that support the  
15 Executive Order. But informally, I think it's got the  
16 full support of the ERWG.

17 BG ARMSTRONG: What does informal mean?

18 MR. WARSHAW: It means they're using it.

19 BG ARMSTRONG: Okay.

20 MR. WARSHAW: Which is really the issue. The  
21 formal part often takes, or they're prepared to use it  
22 because it is new, the formal part, obviously, can take

1 years. We're confronted with April 2000. Formality  
2 sometimes is a problem when you have a deadline like  
3 that.

4 The participants in the working group, the  
5 ERWG are, as I said, are 40-plus activities. And I say  
6 activities, because sometimes there are multiple  
7 activities in an agency and it all gets so complicated  
8 it's hard to sort out.

9 We occasionally ask for a vote and then all  
10 hell breaks loose, because who votes for what? Who  
11 votes for the Navy? It's very complicated, but we get  
12 the job done.

13 You can see I just listed many of the units  
14 that actively participate. Overseas private investment  
15 corporations are continually surprised by units of  
16 government that have classified information and seek to  
17 help in declassifying it.

18 What are some of the initiatives of ERWG and  
19 the Automation Working Group?

20 I think, in particular, what we've done in a  
21 more informal sense, we heightened awareness  
22 considerably within the declassification community.

1           I think there is now a strong interest in  
2   referral in the declassification community. We've also  
3   done tremendous information sharing on 25-year  
4   declassification generally, and very important, is  
5   technology exchange. All agencies are seeking ways to  
6   do this more productively, more efficiently, et cetera.

7           We've instituted a program -- I'm going to  
8   talk more about these, called <sup>T</sup>he Remote Archive Capture  
9   Program to deal with issues of presidential library  
10   material, obviously very important in collections of  
11   material.

12           I mentioned earlier equities identification.  
13   That is both a science and an art, perhaps more of an  
14   art, and there's a great need for training in that. And  
15   we have instituted one training program and we're  
16   working on our second one as we develop our ability to  
17   basically have agencies brief on their equity issues.

18           Now, the interesting part about that is most  
19   agencies have given no thought to what their equity  
20   issues are. So a secondary benefit is, this forces them  
21   to attempt to think through and explain to another  
22   agency or to a group of declassifiers what their equity

1 interests are. So I think that's been useful.

2 We've also come up with a referral standard  
3 that I'll talk about as well.

4 There is also the electronic referral standard  
5 that I mentioned. And the ERWG is also participating  
6 and actually coordinating a community review of NSC  
7 material at NARA.

8 NSC material, the NSC has backed off from the  
9 primary reviewer role and in essence they've done one  
10 mass referral of everything they own to the world at  
11 large. They say you come in here and look for it and if  
12 it's yours, you declassify it. And they're not  
13 asserting among this NARA group of NCS records any  
14 primary review responsibility at this point. This is  
15 probably a resource related issue.

16 Another thing we're at least discussing is a  
17 database for equities notification. I'll quickly go  
18 through some of these.

19 The presidential libraries problem, I assume,  
20 you are all very well familiar with. I'll just mention  
21 the early numbers. The early numbers that took us a bit  
22 by surprise. These numbers have been whittled down

1     because of active activities -- active work on the part  
2     of the libraries, et cetera.

3             We had big numbers out there and, yes, it has  
4     some libraries that are very surprising. But Jeanne  
5     Schauble can tell us the whole story as to why Hoover  
6     still has some classified material.

7             There are people who donate records. They  
8     donate material and they acquire their collections in  
9     various ways, though not necessarily related to the date  
10    of the president, et cetera, here.

11            But anyway, again the numbers are a big issue.  
12    And early on the RAC program came up as Remote Archive  
13    Capture as a possibility, because how do all agencies  
14    review these ambiguous equity materials at libraries?

15            Basically, we could rent large groups of  
16    hotels adjacent to the library and camp out for long  
17    periods of time and have hundreds of people go through  
18    the same box identifying equity. But that clearly was  
19    not the preferred solution for all parties, including  
20    the library itself, which are heavily space constrained  
21    and don't like handling material too aggressively. So  
22    the ERWG came up a notion of Remote Archive Capture



1     which basically is scanning of material at the library  
2     and bringing it back to Washington in electronic format,  
3     distribute it electronically to the various agencies for  
4     their review.

5             DR. GOLDBERG:   Is that secure?

6             MR. WARSHAW:   Secure.  It's brought back.  At  
7     this point, it's brought back on media, et cetera, and  
8     so yes.

9             BG ARMSTRONG:   Is it distributed  
10    electronically?

11            MR. WARSHAW:   Not yet, but that's the goal.  
12    The initial group was distributed manually.  But we are  
13    building, and I have some more material, a process to do  
14    it in automated fashion.

15            There are, let's face it, some agencies are  
16    more equipped to deal with it in automated fashion.  
17    Other agencies, we are working on some fairly  
18    straightforward stand alone type of tools that will  
19    allow them to accept media with library material on it  
20    like a CDROM, et cetera, and to review on a single work  
21    station.

22            There is a lot of automation involved in the

1 RAC program and that's delayed our start up. But we  
2 have begun by some ad hoc means. We have conversion at  
3 the library itself. And obviously that also involves  
4 people.

5 And then we bring them to Washington where  
6 there is a remote Records Consolidation Center or RCC.  
7 That basically is the mail sorting room that sends them  
8 out to the various agencies, et cetera. And then once  
9 the primary agency reviews -- we have to ascertain what  
10 that primary agency is, it doesn't come necessarily  
11 labeled -- that's done basically at point of records  
12 conversion with the assistance of the library, they  
13 indicate what they think may be a primary agency. And  
14 then there are often secondary referrals off of that, et  
15 cetera. Then it all goes back to the library, the  
16 results of the review go back to the library.

17 What's the status of the program?

18 We have done early work at LBJ, captured  
19 100,000 images there, 100,000 images at Kennedy, active  
20 participation of agencies listed there. The LBJ pages  
21 have been, at least partially, fanned out and partially  
22 returned to LBJ. Kennedy material is next.

1           Now this portion was a done manually, because  
2    this is in the early phase. The collection was  
3    electronic, et cetera. But once we brought it back to  
4    Washington, the automation tools, that RCC thing was not  
5    -- has not fully been implemented yet, so we did revert  
6    back to manual just to get the process moving. But we  
7    hope ultimately to do that electronically.

8           What's the schedule?

9           We hope to finalize some of these automation  
10   requirements that are sophisticated by November, deploy  
11   production, not prototype collection systems, early  
12   calendar '98 and begin routine delivery to the agency  
13   shortly thereafter. Okay, that's the RAC program.

14          Then I mention the issue of equities  
15   identification. What we've done in training, and  
16   there's a lot of interest in that, I think I spoke to  
17   the nonexistence of much thought on the area of equity  
18   recognition and equity identification. And I think  
19   that's firming up now, particularly when they are told  
20   that they will be asked to participate in training  
21   programs.

22          The first one we had in May of '96 was very

1 mixed in terms of the quality of the presentations and  
2 clearly most agencies had a lot of work to do in terms  
3 of thinking through the equity issue. Defined broadly,  
4 you get it all. Defined narrowly, you miss what you  
5 really need. The art is getting the right point in  
6 between.

7 Okay, another major item on the original list  
8 was the referral standard. Now, this is a paper  
9 standard. That is a standard to provide a common  
10 vocabulary, common procedures for the referral of  
11 records. It is not the electronic as a separate element  
12 to this.

13 This was a team within the ERWG that spent  
14 about six months, inter-agency team, lead by ISOO. We  
15 completed it in April of '97. Because of the way the  
16 ERWG was formed, this was passed forward to the DPMC.  
17 DPMC approved it shortly thereafter and it is now in the  
18 process of forwarding it back to ISOO, who we understand  
19 wishes to incorporate it ultimately in a directive, back,  
20 basically, there is an implementing directive to the  
21 Executive Order and that may be revised at some point  
22 shortly and this would be incorporated in it as a

1 current plan.

2 But the important thing is membership is  
3 voluntarily following this. And this is -- it's like a  
4 standard form of contract. Rather than dozens of  
5 multi-agency, multi-lateral discussions of how we will  
6 refer, you have a standard form of contract, i.e., the  
7 standard. And there could perhaps be variations.  
8 Things happen in the real world. But we all have a  
9 common starting point on how we toare refer.

10 What does it cover?

11 It sets out the referral obligations. It sets  
12 requirements for notification, it's very clear on that.  
13 Tabbing without notification is unacceptable, et cetera  
14 et cetera. And it attempts to deal with this  
15 interaction that gets very complicated and between  
16 agencies that redact and agencies that pass-fail. This  
17 is a whole -- it's an esoteric sub-area of referral, but  
18 it does generate all kinds of problems.

19 BG ARMSTRONG: You mean there's not a single  
20 government standard as to one or the other?

21 MR. WARSHAW: No, the Executive Order is quite  
22 plain on that. It encourages agencies to redact, but

1 permits pass-fail. So certain agencies do pass-fail and  
2 certain agencies do redactions. The ones that do  
3 redactions are clearly the ones that would not have much  
4 success on the pass side of the pass-fail. Those are  
5 the heavy quantity of exemptable information.  
6 Obviously, they just pass-fail, you get largely fail.  
7 In order to get material out, they've got to do  
8 redaction, et cetera.

9           There are other agencies that have basically  
10 low sensitivity material pass-fail yields primarily pass  
11 and, therefore, they don't do the extra work and  
12 redaction is extra work for them on the fail documents.

13           There are some technical areas like  
14 exempt-in-full documents. There was some theoretical  
15 problems with exempt-in-full or fail for those who do  
16 pass-fail.

17           What happens is, what about secondary reviews?  
18 If you fail up front, the secondary review generally,  
19 for efficiency purposes, is not done and actually the  
20 identification of the equity may not be done, et cetera.  
21 So, if you are required, as you are by the Executive  
22 Order to establish a date and event, there are some

1 issues as to how you do that when you haven't  
2 necessarily worked out all the details of the secondary  
3 review.

4 In any case, this standard asserts in essence  
5 that secondary reviews can take place at the date event.  
6 Otherwise, we're spending a lot of effort on detailed  
7 review of exempted or failed documents. In other words,  
8 referring. You've got to establish all date events for  
9 all information in an item, you would have to refer, in  
10 essence, documents that are exempt, deemed  
11 exempt-in-full by one of the agencies in the process.  
12 It doesn't seem to be a good expenditure at this time of  
13 resources considering all the unreviewed material, a  
14 fairly esoteric problem. But the real world agencies  
15 were confronted with it.

16 Then it also provides a marking standard. I  
17 think this is very useful. It goes beyond referral in  
18 effect. It basically says how are we going to finally  
19 mark up these documents so everyone understands the  
20 final status and what took place on it? It sounds  
21 trivial, but believe me it is not, given the multitude  
22 of situations.

1           Now, I have a slide here. I anticipated some  
2   of your earlier comments on delegation. If we delegate  
3   aggressively, all this problem goes away, so why am I  
4   here?

5           That has been discussed many, many times. Our  
6   friends at the National Archives really keep our feet to  
7   the fire on delegation.

8           But in practice, many agencies have concerns  
9   and I won't reiterate that earlier discussion with  
10  things like top quality, detail and currency of  
11  standards. Standards are a problem. We talked to  
12  developing standards, but I appreciate DoD's problem.  
13  Generating overarching standards are very difficult  
14  because of all the special cases.

15           Specific standards on a technical system  
16  perhaps are easy, but when you try to do agency wide  
17  standards, it gets complex. So the quality is not  
18  particularly <sup>good</sup> in the first pass. There are issues with  
19  experience and training of reviewers. And then there  
20  are quality control issues of delegation. In any case,  
21  many agencies do believe that referral is, at least  
22  until we get more experience, a key element. It's very



1 possible -- as the process matures, classes of  
2 information will be delegated.

3 DR. GOLDBERG: What about trust?

4 MR. WARSHAW: That's an issue.

5 BG ARMSTRONG: Yes, I'd say that's the real  
6 issue.

7 MR. WARSHAW: Perhaps. But I do believe there  
8 are experience and training and issues that are very,  
9 very real. One cannot expect reviewers to be expert in  
10 all the multitude of areas.

11 BG ARMSTRONG: Do you expect your current  
12 agency to ever, under any circumstances, to allow other  
13 people to review and declassify their material?

14 MR. WARSHAW: I'm here speaking for ERWG. But  
15 the answer to your question is, I do believe at some  
16 point in time in certain areas there is a possibility.  
17 I can't really offer an official opinion on it. But my  
18 feeling is that when our experience builds that we're  
19 getting a multitude of documents of a very well defined  
20 category that is clearly nonsensitive, we can then  
21 construct guidance for delegation.

22 But it's going to be in narrow areas. I mean

1     chronological is obviously a sensible beginning point.  
2     But there are issues with older documents that clearly  
3     -- in the sources and methods area for example.

4             PROFESSOR WEINBERG:   Aren't you going to end  
5     up doing it when you contract?

6             That is to say the contractor is almost by  
7     definition outside the agency.

8             MR. WARSHAW:   Well, it varies from agency to  
9     agency, but the same point I think Cynthia made,  
10    certainly in the programs that I'm familiar with, a  
11    government staffer makes the final call.  Contractors  
12    provide recommendations.  Often the contractors are  
13    really experienced annuitants and other folks, et  
14    cetera, who bring to the table a lot of the staff like,  
15    but all they do is provide recommendations, they don't  
16    get the final call, in most of the programs I'm familiar  
17    with.

18            DR. CAHN:   Once an agency gets a document back  
19    from a referral, is there a time limit for their action?

20            MR. WARSHAW:   Time limit for the receiving  
21    agency to process the --

22            DR. CAHN:   Yes.

1 MR. WARSHAW: No, there isn't.

2 Again, it's a complicated issue because of the  
3 primary -- I mean, agencies have referred documents and  
4 they have primary material. How they allocate limited  
5 resources between those is a very difficult thing to,  
6 really, for a group like this to come up with a standard  
7 or guidelines.

8 Obviously April 2000 that's an important date  
9 in this whole process. You've got to do it all by April  
10 2000. What comes first is another issue.

11 DR. CAHN: Of the documents that have been  
12 returned like say to the LBJ Library, I'm sure a fairly  
13 large number have been returned, are all of those now  
14 totally declassified available to scholars, accessible?

15 MR. WARSHAW: I don't have the exact status.  
16 They have been reviewed. The results of the review  
17 could be for those that were done pass-fail, some pass,  
18 some fail. For those that were redacted, many would be  
19 redacted. But they've all been processed for  
20 declassification.

21 PROFESSOR LEFFLER: Is it not true, though,  
22 that in fact very few documents have been returned to

1 the LBJ library?

2 MR. WARSHAW: That's the number that we have.  
3 On the grand scheme, it's very few.

4 PROFESSOR LEFFLER: Pardon me?

5 MR. WARSHAW: Against the 7 million, it's very  
6 few, 10,000 on my chart. We just started the program  
7 that was the result of the 100,000 that were manually  
8 collected. We don't have the automation in place and  
9 there is the manual mail sorting function, it's very  
10 complicated, very resource intensive and clearly not the  
11 way to go. That's why we're going towards automation.

12 BG ARMSTRONG: Is there any sort of guidance  
13 that you give to your people as to where the effort goes  
14 first?

15 We heard Mel talk about his interest and  
16 really this panel's interest in high policy papers.

17 Do you give similar guidance to people when  
18 they look at the materials in the presidential library?

19 MR. WARSHAW: It varies from agency to agency  
20 and I really can't speak across the board. This was  
21 kind of a test, a prototype. There was a lot of NARA  
22 and other attention on this. I do believe that he's got

1 reasonable attention. But of course, this took place in  
2 an early phase of everyone's program where they're all  
3 trying to figure out basically how to do the primary  
4 reviews as well as the raft of referral reviews.

5 So the results are not impressive, but that's  
6 where we are. Hopefully once we get automated and once  
7 all the programs themselves start developing greater  
8 capability, we'll get good results. The question is  
9 what is more important, primary review or referrals, do  
10 we know, I mean it's not --

11 BG ARMSTRONG: What I'm trying to get at is  
12 categories of papers, clearly the papers in the library  
13 are not all of the same interest to scholars.

14 PROFESSOR LEFFLER: The reason the  
15 presidential libraries was taken was that there was the  
16 assumption that the vast majority of the cases at  
17 presidential libraries, unlike other places in the  
18 government, were high level and you wouldn't need to  
19 make those same types of distinctions and that,  
20 therefore, would be a good place to start experimenting  
21 with this under the assumption that if they're in the  
22 presidential library, they're pretty high policy.

1 MR. WARSHAW: Yes, supposedly the creme de la  
2 creme of the material admittedly.

3 But, there is a technical problem known as the  
4 Executive Order, sets goals and milestones, 15 percent a  
5 year, 15 percent of what is the initial question. It's  
6 somewhat ill-defined. But basically it's interpreted to  
7 mean of your own holdings.

8 So for those who keep book on all this, you  
9 are not quite getting full credit for doing referrals.  
10 This is, frankly, I think a minor problem, but it is a  
11 technical problem in the minds of some components.  
12 Their material -- for example, library material counts  
13 perhaps against a NARA quota, not against your own.

14 I don't think in practice that once components  
15 develop capability, arguments like that will hold much  
16 water. But that is, at least the way the Executive  
17 Order was written, referrals did not get fully accounted  
18 for in that regard.

19 The electronic referral standard -- I'm  
20 probably taking up too much time. You want me to move  
21 on quickly?

22 DR. GOLDBERG: Yes.

1           MR. WARSHAW: Electronic referral standard,  
2       basically it deals with index information and the image,  
3       because what we're referring is both index type,  
4       location information, high level indexing, not  
5       necessarily keyword indexing, but that's a possibility,  
6       often it's strictly a graphic type indexing and the  
7       image itself.

8           There is this joint review I mentioned, not  
9       unlike the RAC program for libraries, beginning at NARA  
10      for National Security material.

11           Since I overstayed my welcome, we can conclude  
12      it.

13           ERWG, I really believe that ERWG has done a  
14      lot for its relatively weak organizational beginnings in  
15      terms of chartering, et cetera. It's a voluntary  
16      organization, in effect. And particularly in  
17      information sharing in 25-year automatic  
18      declassification beyond referrals, it's the only game in  
19      town. And that's the reason in my mind why you need  
20      this if you're going to discuss this problem. You go to  
21      ERWG or else you're on the phone to 40 different  
22      declassification entities, et cetera, and it definitely

1 has been a cooperative spirit.

2 And really pre-ERWG, most of these agencies  
3 were unaware of the existence of the other component and  
4 certainly of the people. Now there is a cooperative  
5 spirit. I think some progress has been made. I'm not  
6 going to exaggerate it, but clearly there's a long way  
7 to go. Any questions?

8 PROFESSOR WEINBERG: One of the issues that  
9 you touched on very briefly is that of identifying the  
10 agency and in a government where all kinds of things  
11 have changed over the years, I trust you're developing a  
12 database so that the people, for example, who are doing  
13 the Hoover Library and Roosevelt Library and who run  
14 into all kinds of things, each individually have to  
15 figure out who is the successor agency of this, that, or  
16 the other?

17 MR. WARSHAW: Actually, we did do work on this  
18 and we did develop a first cut at a database of  
19 predecessor agencies. Needless to say, this is not a  
20 simple thing to do. And then you get down to  
21 sub-elements you get within large aggregates, it gets  
22 all very mushy. But, yes, there was -- I didn't mention



1     it here, but there was a major effort and there is a  
2     database of predecessor organizations.

3             How useful it is is not clear at this point,  
4     but we are aware of that problem, it is definitely a  
5     concern. But you often get the problem at lower level  
6     because once you get it into what you think is the right  
7     agency, then they know a lot more about the issues and  
8     they can find, often, ways to basically say it's not my  
9     problem, it's someone else.

10            But, I think the database is a step in the  
11     right direction in that area. But there are some very  
12     complex agencies and DoD is certainly one of them.

13            PROFESSOR LEFFLER: Why don't you create  
14     timetables for the return of materials to your central  
15     declassification so that in turn they can be sent back  
16     to the library? Why are there no timetables?

17            MR. WARSHAW: Right now, clearly, we need a  
18     more detailed schedule. What we are waiting for is --  
19     by the way, none of this is for free in terms of the  
20     resource requirements to do this are not insubstantial  
21     and they basically resulted from agencies making  
22     contributions to the effort; these contributions being

1 in staffing of one sort or other, or in money.

2 In order to use that efficiently, I think we  
3 need more experience to know whether that's the best way  
4 to do -- what are the possibilities for collection. And  
5 then the secondary problem of what are the actual review  
6 possibilities?

7 That will -- over time, we'll get a better  
8 feel for what the flow rates back are. We just don't  
9 have the data. We clearly will establish, particularly  
10 after the first review there in the November -- excuse  
11 me, yes in the November time frame, a collection  
12 schedule. That, I think that's more mechanical and we  
13 can control that a lot better. Our good friends at the  
14 National Archives never cease to remind us of the  
15 importance of the return of this material promptly.  
16 Once we get a better understanding, hopefully we can  
17 come up with some kind of schedules.

18 BG ARMSTRONG: Are you keeping a central  
19 record of the documents that have gone through this  
20 process and have been redacted and so forth?

21 MR. WARSHAW: Yes, the libraries have a  
22 record. The RCC has a record.

1                   BG ARMSTRONG: ISOO has, at least  
2     theoretically, has been charged with setting up some  
3     sort of central record. This is the only cooperative  
4     effort that I've heard of that has automation hooked  
5     into it. I was just wondering, you are not going to be  
6     doing the same work twice in this process?

7                   MR. WARSHAW: We will not be doing the same  
8     work, others may.

9                   The issue of the government wide database,  
10    this would only deal with referred material from the  
11    libraries that would be captured in this process. Each  
12    individual agency, some of them are very heavily  
13    automation oriented and have very detailed date bases.  
14    Others for resource and other reasons, have no data  
15    basing at all and process records basically on a box  
16    basis, they know what box they tried. It varies from  
17    agency to agency.

18                  On draft documents, we have detailed at the  
19    document level of information. On referred documents,  
20    it varies from agency to agency. My agency will have  
21    detailed records. Other agencies, it's up to them  
22    whether they want to keep detailed record keeping, it

1 varies. I will -- a general plug is, resources are key  
2 to all of this.

3 BG ARMSTRONG: I don't understand your answer,  
4 frankly.

5 Do you or do you not have a single list of the  
6 documents processed through this system so that you are  
7 not going to process the same documents twice?

8 MR. WARSHAW: You're talking about the  
9 duplicates problem?

10 BG ARMSTRONG: Every time you -- can you just  
11 answer my question?

12 When you process a document that comes out of  
13 a presidential library, does that document when it  
14 finishes the system go into a list so that if another  
15 agency comes up with the same document, at least  
16 theoretically, it would know that document has already  
17 gone through the system?

18 MR. WARSHAW: If another agency independently  
19 has a copy of that document, they could consult with  
20 this list.

21 BG ARMSTRONG: Okay.

22 MR. WARSHAW: Whether they will choose to or

1     whatever, I don't know. We frankly haven't worried  
2     about that problem yet. All the information of the  
3     document -- I mean you can generalize that problem  
4     across the board to -- and that problem permeates the  
5     whole system, how do we deal with duplicates, 20, 30, 40  
6     copies of all these documents out there, will every  
7     agency checks with every other agency?

8             One advantage of referral is if you  
9     continually send it back to the originating agency,  
10    presumably, they're the agency with the greatest onus to  
11    maintain a database and to identify that document as a  
12    duplicate and, therefore, not process it twice and,  
13    therefore, come up with the same answer.

14            We are not maintaining a government wide list  
15    except for the documents we process under wrap. We will  
16    have that agency's review.

17            PROFESSOR LEFFLER: Have you thought of doing  
18    a pilot project in which you take a small group of  
19    materials and just let the declassifiers at one of the  
20    libraries using their own common sense based on not  
21    declassifying things relating to weapons of mass  
22    destruction, methods and sources, go through a set of

1 materials, defined set of materials using common sense  
2 and see how frequently they make errors and once having  
3 observed that, then making some extrapolation about  
4 whether it should be permitted?

5 Some day somebody is going to come back and  
6 look at the amount of effort and money that's gone into  
7 this process and say the whole thing was utterly  
8 irrational.

9 MR. WARSHAW: I hark back to, the agencies  
10 have to agree under the current system to delegate  
11 authority. Many, many agencies will not delegate a  
12 broad swath of authority, or no authority. There  
13 clearly is guidance out there and there are reviews  
14 being done by the libraries. That 7 million number has  
15 been cut down by the libraries themselves under what  
16 existing guidance they have. They have, for example, I  
17 believe State Department guidance in certain areas,  
18 they've cut that back. But they do not have, and I  
19 can't speak to -- I can't provide -- I have to talk to  
20 the individual agencies as to what their feelings on  
21 this issue are. But the trust, I guess, harks back to  
22 the slide I showed you that they're unwilling to -- and

1 I think their unwillingness stems from perhaps not a  
2 formal experiment. There have been cases in the  
3 newspapers, et cetera, of problems that have resulted  
4 from basically reviewer errors that stem from  
5 inexperience or lack of specific equity type of  
6 backgrounds.

7 PROFESSOR LEFFLER: But it's obvious that  
8 errors will be made but the significant analytic issue  
9 is how significant are those errors in light of the  
10 expenditures of effort and resources for the whole  
11 project, right?

12 MR. WARSHAW: The analytic --

13 DR. GOLDBERG: Any single sample will not give  
14 you a basis for an overall judgment.

15 MR. WARSHAW: It is very difficult to quantify  
16 that. All you have to do is be involved in some of  
17 these errors and you can do a kind of a personal  
18 calculus on it and you see it's very significant when an  
19 error is made. It tends to blossom out into a larger --  
20 as a matter of fact, negatively impacts declassification  
21 across the board because it creates more concerns about  
22 the process.

1 DR. GOLDBERG: What is obvious is, there is no  
2 end of problems and we're embarked on a sea of troubles  
3 here.

4 Thank you very much. That was very  
5 informative. I learned a great deal from that.

6 We have another briefing coming up and I want  
7 to leave enough time for that. We can return to some of  
8 these things later on.

9 An area of classification that attracted a  
10 great deal of attention, very intense attention, has  
11 been the POW/MIA field. We have a briefing on this from  
12 people who are involved with the records. Ms. Nasarenko  
13 and Dr. Collura of the POW/MIA Office.

14 I think we have enough time for you before  
15 lunch. So why don't you start.

16 Ms. Nasarenko.

17 BRIEFING BY

18 JENNIFER NASARENKO

19 MS. NASARENKO: I have prepared a formal  
20 script to hopefully answer some of your questions. So  
21 if it's okay with you all, I'll get through the script  
22 and then we will save time for questions and answers at



1 the end of our presentation.

2 Good morning to everyone and thank you for  
3 your cordial invitation and the opportunity to discuss  
4 with you declassification of POW/MIA material.

5 The Defense Prisoner of War-Missing Personnel  
6 Office or DPMO through legislation, executive orders and  
7 presidential decision directives has the charter for  
8 declassification of POW/MIA information. The DPMO  
9 policy is emphatically pro release in the spirit  
10 reflected in the law and directives.

11 We have and continue to go to great lengths to  
12 get these materials into the public domain and with the  
13 condition that information that is classified be  
14 appropriately protected and that the rights afforded by  
15 statute are extended to all service members and families  
16 of the unaccounted for involved in the POW/MIA issue to  
17 the fullest extent of their provisions.

18 Today I would like to talk to you about what  
19 the laws and directives tell us to do, what we have  
20 declassified and how much you can access the  
21 declassified materials.

22 Let's start with Title 50 U.S. Code Section

1 435, what we refer to as the McCain Bill. The initial  
2 version of the McCain Bill was signed into law on  
3 December 5, 1991. It directed that Vietnam era POW/MIA  
4 documents be placed in a library-like facility in the  
5 National Capital Region for public access. Although the  
6 law does not specifically direct declassification,  
7 obviously declassification is implied by the action  
8 directive. The law specifies information pertaining to  
9 treatment, location and condition be made available to  
10 the public. However, also contained in the law is a  
11 provision offering the primary next of kin the option to  
12 deny release of information concerning their loved one  
13 regarding treatment, location, and condition  
14 information. For the Vietnam Conflict of the original  
15 2,266 unaccounted for, approximately 565 families opted  
16 not to allow the release of this information to the  
17 public.

18 The McCain Bill designates the Secretary of  
19 Defense as official custodian for information pertaining  
20 to Vietnam era unaccounted for. DPMO is his executive  
21 agent and as such, DPMO chose the Library of Congress as  
22 the repository for Vietnam era materials.

1           Since December 1991, the McCain Bill has been  
2 amended twice. The first amendment added the Korean  
3 Conflict Cold War unaccounted for personnel and assigned  
4 the official custodian for Korean and Cold War documents  
5 as the Archivist of the United States. Thereby, the  
6 repository for these documents became the National  
7 Archives <sup>and</sup> in records administration.

8           The second amendment established a 90-day  
9 provision to locate and gain consent or nonconsent from  
10 the primary next of kin of the Korean and Cold War  
11 unaccounted for individuals. The second mandate  
12 governing declassification of POW/MIA information is  
13 Executive Order 12812. This Executive Order directs  
14 that all executive branch agencies and departments  
15 declassify and publicly release without compromising  
16 United States national security all documents, files and  
17 other materials regarding unaccounted for personnel of  
18 the Vietnam era. The Department of Defense chose to  
19 place these items in the Library of Congress along with  
20 those required by the McCain Bill. These additional  
21 documents contain generic information like policy and  
22 non-case specific information that apply to the POW/MIA

1 issue in general.

2 Like the McCain Bill, there is no termination  
3 date. The next directive addressing the public release  
4 of POW/MIA information was Presidential Decision  
5 Directive NSC-8. This directive required all executive  
6 agencies and departments to review and release all  
7 relevant documents and files pertaining to American  
8 POWs, MIAs in Southeast Asia in accordance with  
9 Executive Order 12812. This process was to be  
10 accomplished by November 11, 1993. Everything that had  
11 been identified to us at that time was declassified  
12 meeting the November '93 deadline. However, as you are  
13 all aware, a thorough review of holdings in compliance  
14 with Executive Order 12958 has resulted in the discovery  
15 of additional POW/MIA related information.

16 Additionally DPMO continues to work with  
17 repositories, libraries, and special collections in  
18 search of POW/MIA related information.

19 And finally, the last mandate that governs our  
20 declassification effort is Executive Order 12958, with  
21 which you are all quite familiar.

22 Pertinent to our interest is the provision to

1     declassify documents 25 years old and older. Clearly  
2     this time frame includes the Korean Conflict, the Cold  
3     War and the Vietnam War.

4             Of primary concern to DPMO is section 3-4-A of  
5     the order which addresses automatic declassification  
6     whether or not the records have been reviewed. Much of  
7     the POW/MIA information contains sensitive all source  
8     intelligence information that must be reviewed prior to  
9     release, thus should not be automatically declassified.

10            These laws and executive orders have had a  
11     dramatic impact on the public availability of POW/MIA  
12     information. Some key things to note regarding DPMO's  
13     declassification efforts are:

14            (1) DPMO does not have the authority to  
15     declassify non-DoD agencies or departments' equities.  
16     We can only request they review their equities for  
17     declassification and release.

18            (2) Declassification without redaction is not  
19     possible in all cases due to continued impact on  
20     national security. Examples are sources and methods,  
21     information acquired from foreign governments, statutory  
22     protections, information that could cause damage to

1 foreign relations, military plans and operations, and  
2 continuing or ongoing programs.

3 (3) Declassification does not automatically  
4 equate to release, as evidenced by provisions contained  
5 in the McCain Bill, the Privacy Act, the Freedom of  
6 Information Act, and the Missing Persons Act.

7 (4) Statutory provisions and restrictions take  
8 precedence over executive orders and, in some cases,  
9 over other laws.

10 Before I talk about what DPMO has declassified  
11 and how to access the information, there is one  
12 additional piece of legislation you should be aware of  
13 and that is the Missing Persons Act. It was signed into  
14 law on February 10, 1996. Although there is no direct  
15 impact to current declassification efforts, this  
16 legislation will have an impact on declassification  
17 efforts for future contingencies.

18 One factor under review at the OSD General  
19 Counsel level is the subject of declassification and  
20 release of returnee debriefings. Section 1506 of the  
21 Missing Persons Act outlines provisions for the  
22 protection of future debriefings as privileged

1 information when they are obtained under a promise of  
2 confidentiality made for the purpose of ensuring the  
3 fullest possible disclosure of information. Therein  
4 lies the review over the release of the Korean Conflict  
5 and the Vietnam War debriefings.

6           Regardless of the outcome of the review, DPMO  
7 will implement the OSD/GC rulings concerning the  
8 releasability of the Korean Conflict and the Vietnam War  
9 debriefings.

10           Now let me address what DPMO has declassified,  
11 how much, and how to access the material.

12           For Vietnam, we have placed a broad variety of  
13 materials in the Library of Congress that includes such  
14 items as past and current recovery efforts, casualty  
15 files, intelligence reports, refugee and source reports  
16 or files, depositions, documents recovered from archival  
17 research and policy memos.

18           Local access is gained through the microform  
19 reading room in the Jefferson Building and remotely  
20 through the inter-library loan system. Public access to  
21 the repository locally and remotely is facilitated  
22 through a computer based index available on the

1 Internet.

2           These materials may be accessioned in two  
3 ways. First, microfilm can be sent to the researcher's  
4 local library through the inter-library loan system.  
5 This service is free, however, materials must be  
6 returned to the Library of Congress.

7           Second, photocopies of microfilm documents can  
8 be ordered from the Library of Congress Photo  
9 Duplication Service. These copies must be paid for, but  
10 are then retained by the researcher. The library of  
11 Congress's database currently contains approximately  
12 131,400 records or documents, which equals over 800,000  
13 pages of information on some 463 reels of microfilm.

14           DPMO continues the declassification efforts  
15 and materials that we declassified are being processed  
16 on a regular basis.

17           We spend approximately \$92,000 annually to  
18 fund the indexing, photocopying, data retrieval methods  
19 and procedures, and the Vietnam POW/MIA database  
20 maintenance. The objective is to make access as user  
21 friendly as possible. Since 1992, we have spent \$3.37  
22 million on the Library of Congress project. This



1 includes moneys used to test and purchase software and  
2 hardware for the public work station in the Jefferson  
3 Building.

4           When placing an order for photocopies or  
5 microfilm, the requester must provide all relevant  
6 information from the database index to include the reel  
7 number, the category, the document subtitle, the source  
8 number, the casualty reference number. Requests should  
9 be sent to the Library of Congress, Photo Duplication  
10 Service in Washington, D.C. The cost for services  
11 rendered are \$35 per reel for microfilm, or 50 cents per  
12 page for photocopies with a \$10 minimum, and these  
13 services can be paid for by Mastercard or Visa.

14           I've covered the basic laws and directives  
15 that govern our declassification efforts in general,  
16 what we have accomplished for the Vietnam War, and how  
17 the public may access the information. And now Dr.  
18 Angelo Collura will address our Korean conflict archival  
19 research efforts

20                           BRIEFING BY

21                           DR. ANGELO COLLURA

22           DR. COLLURA: Ladies and gentlemen, good

                          OLENDER REPORTING, INC.  
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1 morning.

2 Ms. Nasarenko has already discussed the  
3 appropriate legislative directives which deal with  
4 declassification of POW and MIA information. I, in  
5 turn, would like to briefly address some of the archival  
6 research which DPMO has performed over the last couple  
7 of years.

8 For approximately two years, the archival  
9 research element of the DPMO has concentrated much of  
10 its efforts and resources on locating and copying Korean  
11 War records in order to build on the limited Korean War  
12 information in records which already had existed up  
13 until that time.

14 DPMO archival research efforts on the Korean  
15 War during this two-year period haven't only been  
16 government wide, they have been worldwide. Our  
17 personnel and contract researchers, and we've used the  
18 Federal Research Division of the Library of Congress, we  
19 have had a person in Laos, even as we speak, we have a  
20 contractor in Cambodia. These are firsts.

21 DR. GOLDBERG: Is he still alive?

22 DR. COLLURA: Yes, sir, they are.

1           Our personnel searched for and found relevant  
2 documents at the National Archives, the Federal Records  
3 Repository, several presidential libraries, the Center  
4 for Military History, the Military History Institute,  
5 the Air War College, public and university libraries  
6 throughout the United States, private collections of  
7 personal papers, the Military Armistice Commission in  
8 Korea and the Australian War Memorial in Canberra,  
9 Australia, just to name a few.

10           In fact during the last two years,  
11 approximately, DPMO has visited more than 50 libraries,  
12 repositories and special collections and has researched  
13 over 30 different record groups searching for records  
14 that contain or provide leads to POW/MIA accounting  
15 information, and I might add here with very small and  
16 insignificant human resources that somebody addressed  
17 before.

18           These record groups include, and I won't read  
19 off the 30 obviously, because most of you I think are  
20 aware of what the record groups are.

21           Record Group 38, which is the Office of the  
22 Chief of Naval Operations. 153 which is the Judge

1 Advocate General. 341 which is Headquarters U.S. Air  
2 Force, et cetera, et cetera.

3 As many of you already know, however,  
4 documents on the Korean War generally do not exist as  
5 discrete collections within a record group or archives.  
6 These documents are intermingled with other documents  
7 from the same time period or originating office.

8 For example, the National Archives Record  
9 Group 341 of the Air Staff as noted above, currently  
10 contains 7,739 cubic feet of documents. Among these are  
11 the 2,667 cubic feet of incoming and outgoing staff  
12 messages dated from 1947 through 1959 which should  
13 contain documents relating to Korean War POW/MIAs.

14 However, a researcher may have to look at all  
15 2,667 cubic feet to locate documents of POW/MIA  
16 interest. It is important to note here that although  
17 our particular DPMO element is devoted to performing  
18 archival research in repositories and libraries around  
19 the world, DPMO's main function is, of course, to help  
20 account for those unaccounted for who did not return  
21 home after one of America's most hostile conflicts.

22 With this notion in mind, let me stress that

1 when information relating to an unaccounted for American  
2 is found in an archive or repository, that information  
3 is forwarded to the military services for notification  
4 of the next of kin, primary next of kin.

5 This operating procedure has been in effect  
6 for several years and helps involve the various services  
7 in caring for their unaccounted for personnel. In  
8 addition, documents and papers accumulated by DPMO  
9 related to unaccounted for POWs or MIAs from the Korean  
10 Conflict are copied and then indexed.

11 Let me insert here, the material from our  
12 offices that goes to the National Archives is indexed  
13 before it gets there. Those people can take it, do  
14 whatever they do with this material and literally put it  
15 on the shelf.

16 These indices show date, office of origin and  
17 a brief summary of the subject of the individual  
18 documents. Then in accordance with the National Defense  
19 Authorization Act for Fiscal Year 1995, these documents  
20 along with their indices are transferred to the National  
21 Archives which serve as a centralized repository for  
22 them. They are placed in a special collection in the

1 Textual Reference Branch of the National Archives at  
2 NARA.

3 As a slight digression here, I would like to  
4 mention that from 4 to 8 August of this year DPMO  
5 researchers had the opportunity to work with the  
6 Liberation War Museum, Pyongyang, North Korea for the  
7 first time. This is the first time that any government  
8 researchers have been allowed any significant access to  
9 this museum.

10 During this period of time, our researchers  
11 were able to physically handle captured parts and pieces  
12 of U.S. aircraft, tanks and other vehicles as well as  
13 hundreds and hundreds of M-1 rifles and other small  
14 caliber arms, some of these with significant  
15 identification numbers which our analysts are now  
16 examining to see if the information gathered will aid in  
17 the identification of any unaccounted for American  
18 Soldiers, Sailors, Airmen and Marines from the Korean  
19 War era.

20 In addition to the above-mentioned archival  
21 work already mentioned, our Archival Research Group,  
22 actually, our Special Project Section has been involved

1 in searching for the more than 3,600 debriefings of POWs  
2 who returned from the Korean War after Operations Little  
3 Switch and Big Switch after the end of the war in 1953.

4 Some 3,200 of these debriefings were located  
5 at the Army Central Security Facility at Fort Meade.  
6 Another 200 or so Navy and Marine Corps debriefings were  
7 found at the National Archives. The Air Force  
8 debriefings, however, were not to be found.

9 In our search for the remaining Air Force  
10 debriefings, DPMO corresponded with the Secretary of the  
11 Air Force and other Air Force and military organizations  
12 in our search for these missing debriefings. Only  
13 recently after almost two years of searching and after  
14 long hours of research by one of DPMO's Air Force  
15 officers along with the assistance of a dedicated NARA  
16 staff were several significant portions of the Air Force  
17 debriefings from the Korean War found, among them, I  
18 would add some 1 million pages of intelligence reports.

19 As we began this special project and  
20 declassified debriefings some two years ago, we ~~we~~ were  
21 hopeful that these debriefings <sup>could</sup> ~~will~~ be a particularly  
22 valuable source of information in our accounting

1 process.

2           The information already gleaned from these  
3 debriefings has been entered into a database for future  
4 retrieval DPMO analysts and other analysts. As for  
5 DPMO's archival work in the future, we are now examining  
6 the feasibility of centralizing all of our archival work  
7 within the existing archival research elements of DPMO.  
8 This would include archival work carried out in the  
9 archives of the former Soviet Union and other  
10 independent states as well as all other archival  
11 research now being performed in Southeast Asia to  
12 include Vietnam, Cambodia, and perhaps we'll even get  
13 some of the documents in Laos. Thank you for your  
14 attention.

15           MR. ROCHESTER: My name is Stuart Rochester,  
16 I'm in the OSD History Office and I have been working  
17 for several years on a POW history that soon will be  
18 published, we hope, but would have been published  
19 probably several years ago if your office had in fact  
20 been more cooperative in terms of declassifying  
21 information allowing us to use information that we had  
22 not considered particularly sensitive or embarrassing to



1 any POWs in our work.

2 My question is whether -- this is the  
3 experience we had and other scholars probably who work  
4 in this area have had or will have, that is, is there  
5 not an overzealous application or interpretation of the  
6 McCain Act that, in fact, pays more attention to  
7 protecting the family rights than making available the  
8 information to the general public and for scholars?

9 MS. NASARENKO: I don't feel like there's been  
10 an overzealous application of the McCain Bill by any  
11 sense of the imagination. I think that to speak to what  
12 was intended by the law is, we have interpreted it to  
13 the best ability we could and that interpretation came  
14 from years and years of analysis of the information to  
15 determine what was treatment, location, and condition  
16 and also discussions with the individuals who drafted  
17 the bill.

18 I don't know what their reasons or rationale  
19 were in putting the provision in to allow the family  
20 members to give the yes or the no consent, but that's  
21 what Congress did and that's what we have to live with.

22 MR. ROCHESTER: One quick follow up.

1           There does seem to be some area of  
2    interpretation of the bill as to what is allowable and  
3    what is not allowable. And it may be that your office  
4    in the interest of particularly this group today might  
5    want to urge a revisiting of the intent and the purpose  
6    of the bill.

7           Because in effect, we have given a veto to the  
8    families over the declassification, at least the  
9    function of the material that is of interest, is  
10   relevant to the American public, even in cases where  
11   there is nothing again particularly sensitive or  
12   embarrassing relating the to POW or the MIA who is  
13   involved. So I think you might be able to give us a  
14   little bit of -- you might give some impetus to the  
15   concerns of this group by perhaps urging a revisiting of  
16   the intent of that.

17           MS. NASARENKO: I can certainly take that back  
18   to the office.

19           PROFESSOR WEINBERG: It seems to me that  
20   that's a separate issue here and that is, it comes up  
21   all the time in the years of records of welfare agencies  
22   and so on and so forth, and that is the issue of

1     anonymity. There may be patterns of conduct by a  
2     foreign government which can be discerned from the  
3     records which are currently kept closed, but which in no  
4     way involve the use of the name of the people.

5             The moment you get substantial numbers of  
6     records pertaining to individuals which are closed in a  
7     sense absolutely, the issue of allowing statistical or  
8     other types of research which do not involve the use of  
9     the names, which give clues to patterns of government  
10    policy, patterns of reactions to them by POWs, et  
11    cetera, but which in no way invade the personal privacy  
12    of the people whose records are being looked at, this is  
13    something with which archivists around the world and  
14    historians who use records are relatively familiar.

15            And the real question it seems to me is  
16    whether or not the closure by the family is, in fact, an  
17    absolute closure on all use of the records or a closure,  
18    if you will, on the identification of the person whose  
19    records are being looked at. And if that's unclear, it  
20    is at least possible, it seems to me, that the kind of  
21    anonymization very often used with analogous records in  
22    other categories might be allowed if necessary by

1 legislative amendment. And that, I suspect, is going to  
2 take care of the sorts of issues that have just been  
3 raised.

4 MR. SHELDON GOLDBERG: Jennifer we've had this  
5 conversation several times over the last couple of years  
6 the same thing Mr. Rochester was saying.

7 It's tough when you've got certain family  
8 members at random saying no and others saying yes so  
9 that you're trying to deal with a list of a 13-man B-29  
10 crew and you find that half have said no and you can't  
11 even use this -- give out the information list, the full  
12 list of members. It gets really awkward and it needs  
13 some fine tuning there.

14 Nobody wants to release gruesome pictures of  
15 POWs or describe their conditions. But basic  
16 information of who's on a crew, where the thing was shot  
17 down, et cetera, it's kind of basic stuff that's needed  
18 and that's kind of being blocked in some of the reports  
19 today.

20 In some cases, you are dealing with  
21 information that's been declassified and released years  
22 ago, yet there's no real way to call it back. So I'm

1 glad to hear you finally found those debriefs. I guess  
2 it's in those millions of papers of stuff that's  
3 unindexed and catalogued in the Archives.

4 DR. GOLDBERG: Any comments?

5 MR. HALL: Good morning, my name is Roger  
6 Hall. I'd like to refer to the issue of the documents  
7 released by the <sup>DPMO</sup>~~PCMO~~. There's a lot of documents at the  
8 Library of Congress but that is not all the documents  
9 that come into your possession.

10 Documentation from the daily summaries, the  
11 after action reports or elaborate secret missions during  
12 the war and the records from Secretary of Defense  
13 Laird's breakfast meetings which contained all the POW  
14 information that he reviewed, he reviewed them on a  
15 daily basis at the breakfast meetings, came through  
16 DPMO; yet, the FOIA process that goes through OASD and  
17 to DPMO never reflects that you had this information in  
18 your hands and never releases any of this information.

19 When we go back to the originating agency of  
20 the JCS for the daily summaries, or the Secretary of  
21 Defense and OASD for Secretary Laird's meetings, they  
22 claim they don't have those records.

1           Now DPMO has been very helpful in identifying  
2   the existence of it. But as the declassification  
3   authority, the records are still disappeared to us,  
4   they're transparent, we can't see them. We know they  
5   exist. DPMO says they do exist, very helpful as I said.  
6   JCS says daily summaries they don't have them, three  
7   people in your organization say they sent them back  
8   there.

9           The Laird meetings, where they are, how can you  
10   miss the Secretary of Defense meetings? All the POW  
11   information, you have them, it has to be released.  
12   Again addressing the declassification authority, I sent  
13   a FOIA to Maxwell Air Force Base identifying specific  
14   documents that I wanted declassified that I know  
15   contains POW information, when I address it to you, you  
16   would tell me to go to the originating agency. Maxwell  
17   says you have the declassification authority, I have to  
18   go to you. So I'm not going to get bounced around this  
19   way, I'm going to take you to court quickly.

20           But I want to present it to you and I'll do it  
21   in a letter before I would take that step because I  
22   don't have the money that I could do other things with

1 it.

2 But I really need some cooperation from DPMO.  
3 I represent 14 people in a national alliance of families  
4 and they are really frustrated with the delays on this  
5 very relevant POW information. If it's left to 12958,  
6 I'm afraid that it may fall into a category. Somebody  
7 will shift it there, it'll take me years to find out  
8 that it's in a category, that it's been exempted. I  
9 have to be able to address an issue.

10 You have more direct access to it and these  
11 are only three examples. I have a dozen and more others  
12 identifying specific files or records that contain it.  
13 I'm talking about organizational records containing  
14 information that has not wound its way to the Library of  
15 Congress.

16 In addition to that, you have two microfilm  
17 series over at the Library of Congress. One is that  
18 material has to be released under the central  
19 declassification order under President Clinton's  
20 Executive Order for the deadline, that material is not  
21 indexed and it's not on the computer system. It was  
22 indexed by Mr. McNew<sup>(eh)</sup> over there who did a good

1 generalized index, not an itemized index, and it's  
2 available in paper form.

3 So if I was to contact the Library of Congress  
4 on their computer system for an indexing of all  
5 material, this material would not be reflected because  
6 it doesn't give an documented index of it. So there are  
7 two discrete serious of microfilm collections and most  
8 of the people don't know about the CDO collection.

9 I would really like some help in identifying  
10 the other records that haven't been sent over there that  
11 do exist because if you know about them and you don't  
12 release them, I can't address them if they're hidden  
13 just in the volume of your every day work, and I realize  
14 you people do have a lot to do.

15 DR. GOLDBERG: Thank you.

16 MS. NASARENKO: There's one portion at least  
17 that I would like to address and that's your comment  
18 about the Historical Research Agency at Maxwell.

19 Air Force does and has in the past  
20 declassified POW/MIA information. We have provided them  
21 guidelines. We have also provided it to Navy. We have  
22 provided it to NARA. So there are other agencies that



1 do declassify POW/MIA records and they do apply the  
2 appropriate statutory provisions such as the McCain  
3 Bill.

4 MR. HALL: It's been my experience that if I  
5 request it, I'm required to go to the originating  
6 agency. So I do my search, I go there, I find what I  
7 want, I identify it, I address it, put it in a FOIA.

8 Most components will say POW information, it  
9 goes to DPMO. So the material is sent to you, you get  
10 first shot at it, you classify it, I get what's left.  
11 But that is the way it seems to be done.

12 The Air Force can't dismiss me and send me to  
13 you to give me a runaround, that's not the channel. The  
14 executive orders don't release any of the agencies or  
15 the departments from their responsibility under the  
16 FOIA. You have a declassification authority, you can't  
17 deny me access to these records. I'm not saying you,  
18 I'm talking about Air Force. This guy down there really  
19 doesn't know what he's doing and I'm not saying this in  
20 anything except a self-myopic way, I want that material,  
21 I have a right to it, and he can't refer me to you, it's  
22 a short circuiting of the channels. Please instruct the

1 components that deal with you on the correct process.  
2 If I request it, yes it does go to you, that's fine, I  
3 have no objection to that. I believe you should have  
4 first shot at it, no objection at all. But I have a  
5 right to it and I don't get the runaround.

6 MS. NASARENKO: Well, I'm not at all familiar  
7 with the specific case you're addressing.

8 MR. HALL: I will send you a copy of my --

9 MS. NASARENKO: The Air Force is represented  
10 here and I can promise you that between them and us  
11 there will be some communications with the HRA. But I'm  
12 not familiar with that and that's the best answer I can  
13 give you.

14 The second part of that is they do have the  
15 authority to declassify it. We do not require that they  
16 send it directly to us. We don't have the resources to  
17 do it all ourselves, which is the reason we delegate  
18 that authority and provide guidelines to individuals.  
19 And the Air Force has a great set of guidelines in their  
20 tool book and they do it.

21 MR. HALL: They're working hard, I'm sure.

22 MS. NASARENKO: They do it every day, they do

1 a good job of it.

2 DR. GOLDBERG: Please take note that this is  
3 an instance of delegation of authority, declassifying.

4 DR. COLLURA: I'll add something to that.  
5 When you mentioned the people out there and what appears  
6 to be the passing of the bucket for lack of a better  
7 term, we run into that too and maybe passing the bucket  
8 isn't the right word, but I can't find an analogy for  
9 it.

10 Let me give you an example, last year about a  
11 year and half ago, we were told by some of the family  
12 members that material, classified material dealing with  
13 POW debriefings and material having to do with the 6,000  
14 Second, Fourth, Sixth and Eighth Air Intelligence Wings,  
15 I guess at that point, they were Air Force companies,  
16 were available at Kelly Air Force Base in San Antonio.

17 They were there and they had a whole slew of  
18 material which had to do with POWs coming back. So we  
19 got a number and called and said you have the tickets,  
20 you can get in, we can't and that's right. So we went  
21 down there, three of us, myself included. First of all,  
22 the material was not there. Secondarily, that

1 particular organization is heavy handed by one of the  
2 funding organizations. And so the first time we went  
3 down, it took us a year to get some material which  
4 turned out to be not a great deal. The second time we  
5 went down, which I was a part, we found out only that  
6 they did not have the material, but they told us that  
7 perhaps the material was still out in Japan, because  
8 that's where the material was located during the Korean  
9 War.

10 Well, we called them. We couldn't find them  
11 there. Then the next comment was, perhaps it's at PACAV  
12 which is CINPAC in Navy terminology. We called them and  
13 we sent two people out that way as they were coming back  
14 from Korea. That archivist never heard of the material.  
15 This is almost nine months now. We are now going back  
16 next week to get back to PACAV or CINPAC if you will,  
17 because the second historian that we got in contact with  
18 indeed said there's material there signed on letterhead,  
19 signed as an archivist for that historian of the Office  
20 of the Air Force Historian. So we're going to go out  
21 and see what it is.

22 So my point to you, sir, is we run into the

1 same type thing whereby you know either because of your  
2 agent experience or because of archival work, that stuff  
3 has to be there. It had to have gone somewhere. They  
4 couldn't have destroyed it. There has to be a  
5 transferral slip of some type. Yet the frustrating  
6 thing for us as well as for you is there's blanks, we  
7 can't find it. This will have been, assuming we find  
8 something at CINPAC or at PACAV this will have been  
9 almost two years we're looking for that material. So,  
10 researcher sources lead you, in this case they didn't  
11 quite do it, at least not yet.

12 DR. GOLDBERG: We have time for only one or  
13 two more.

14 MS. DEAN: Thank you, my name is Nancy Lovell  
15 Dean. I'm a member of the Korean/Cold War Family  
16 Association of the Missing. I'm also the daughter of an  
17 MIA colonel from the Korean War. I would like to --

18 DR. GOLDBERG: Is that John Lovell?

19 MS. DEAN: Yes.

20 DR. GOLDBERG: I knew him.

21 MS. DEAN: I would like to talk to you later  
22 then.

1 I'm addressing a concern brought up about  
2 consent form and the point of historians who say that  
3 they would like information about the families. One  
4 point of view from Korean War Families Cold War Families  
5 is that the consent form is not clear.

6 For two years I've asked for clarification  
7 through the Casualty Office in DPMO. I've had to hire  
8 an attorney to try to get some words in writing for  
9 this. The point that the families have is they would  
10 like to review the material about their loved one. I  
11 think they're entitled to that information to decide  
12 whether it should go to the public or not.

13 Many families feel let's, you know, after  
14 they've looked at it fine, let it go. But there are  
15 instances now of material coming from Russia, for  
16 instance, I've been dealing with archivists in which we  
17 would have no objection if a document came from a  
18 foreign country and chronologically it was presented so  
19 that let the historian make the judgment of what  
20 occurred in that time. Our problem is there are some  
21 analysts who get in there and they make interpretations  
22 and some of these interpretations are erroneous.

1           Now for the families to try and correct this  
2   misinterpretation when the information is on the  
3   Internet and available to the world, this makes it  
4   difficult. A lot of us feel if you're going to write a  
5   book or you are going to present the facts, do it as  
6   accurately as you possibly can.

7           If for instance the information is coming from  
8   Pyongyang or China or wherever, please preface this by  
9   saying this source came from wherever on such and such a  
10   date. And then let the historian make the judgment.  
11   And I think then the families would not be so upset.  
12   This is one opinion and I think you should consider it.

13           I could take your time the whole afternoon  
14   with various points that you have pinged off on. If you  
15   think you historians are frustrated, you can imagine how  
16   the families are. My father's file has been classified  
17   secret. Many of us have been trying for years to get  
18   information. Clearly, politically the Vietnam War will  
19   remain the most important and receive the most focus.  
20   But I would like to remind you that four times the  
21   number of those who are still MIA are from Korea and we  
22   have an opportunity now to resolve some of these cases

1 of 8,100 who did not come home. I'll let Donna speak on  
2 some of the other points.

3 MS. KNOX: My name is Donna Knox. I also am  
4 the daughter of a Korean War POW/MIA. I sit on the  
5 board of the same organization that Nancy referenced,  
6 the Koran/Cold War Family Association of the Missing and  
7 I also serve as legal counsel to that group.

8 The issue of the POW/MIAs affects the  
9 families, perhaps we would certainly say, first and  
10 foremost in the most profound way. But it does also  
11 impact veterans and academics and the media. A great  
12 number of people in this country are interested in this  
13 issue.

14 My understanding of the function of this panel  
15 is to prioritize amongst the vast numbers of documents  
16 that need to be reviewed for declassification, to see  
17 what the need is and what the problems are.

18 This issue is not a matter of curiosity. It  
19 is a matter in the extreme in which the families feel  
20 that all of these situations need to be examined before  
21 we can write that off. It is a matter of potential life  
22 and death for some of our missing men.



1                   We have had a mountain of evidence. None has  
2   been corroborated by a live one being brought out so,  
3   therefore, we don't know for sure. But there is  
4   considerable evidence that men were held back alive  
5   after this war. I was in the Archives all day yesterday  
6   reading our own government asserting this very  
7   proposition for several years after the war was over and  
8   then the rhetoric paved the way and all these decades  
9   later our government is primarily talking in terms of  
10  remains recovery and does not want to incorporate the  
11  POW/MIA issue into it's foreign policy. The politics  
12  and the economics of that are far reaching and are  
13  difficult.

14                   The problems that the historians are  
15  mentioning in terms of frustration by the consent issue  
16  I would just say without going into it in terms of  
17  statutory analysis, there are exceptions provided, the  
18  90-day exception. There are exceptions for the next of  
19  kin. We are being frustrated by the same consent  
20  provisions. They are being overzealously applied and  
21  need to be looked at in terms of the different agencies'  
22  interpretation. But my understanding of this panel's

1 purpose is to decide what records it should recommend to  
2 the administrative branch, namely the President that  
3 should be emphasized in this review and declassification  
4 process.

5 And so I would like to point out that in  
6 addition to Executive Orders, the general 12958, there  
7 is not only the specific Executive Order directed at  
8 Vietnam documents; but, there is also an Executive Order  
9 that has been issued with regard to Cold War and World  
10 War II documents.

11 But nothing, we cannot get an Executive Order  
12 with regard to the Korean War documents. We, and I  
13 personally, have tried going to the National Security  
14 Council, the State Department, DoD, President Clinton  
15 through my own senator. We have tried repeatedly to get  
16 some specific mandates on this issue and we have gotten  
17 nowhere.

18 Most recently Senator Robb approached  
19 President Clinton and he was referred to DoD, to DPMO  
20 and the response he got from DPMO is that the authority  
21 exists to declassify these documents. But what the  
22 families and other researchers are finding repeatedly is

1 that our requests are denied. They are denied under the  
2 numerous exemptions under FOIA and under 12958.

3 Ms. Nasarenko enumerated a number of them.  
4 We've got privacy, we've got source and method, we've  
5 got foreign policy, we've got half a dozen or so other  
6 reasons to legitimately, as the law reads now on the  
7 books, deny disclosure of certain information. And it  
8 is an onerous task to locate these documents. They're  
9 not in discrete collections. And DPMO despite all of  
10 its efforts is not the only office or agency that has  
11 these documents, as they pointed out. They've got  
12 limited resources and they have a diverse mission that  
13 is ever increasing.

14 So the other agencies, the CIA, and all the  
15 different repositories and holding agencies need to be  
16 encouraged by administrative mandate to follow what  
17 really already exists on the books in terms of statutory  
18 mandates and that is to go through the collections to  
19 identify these particular documents and information,  
20 turn them over to DoD and go ahead and get the review  
21 process going.

22 The families have waited, in the instance of

1 the Korean War, 44 years since the end of the war for  
2 information. One, by one, by one, these documents are  
3 surfacing when we have the time and the resources,  
4 happen to discover one and are willing to fight the  
5 appeals process all the way up. It can take years and  
6 it has taken years.

7 I found a document related to my father. I  
8 had I senator put in a request in February to the CIA  
9 and we're still getting nothing but a runaround and this  
10 is a common problem. We feel that if this panel would  
11 make a specialized emphasis about the need for review of  
12 the collection and a broader attitude toward  
13 declassification, that it would help the situation.

14 There is just this inclination to write it off  
15 as a national security problem and then they don't have  
16 to go look through the millions of documents 44 years  
17 later considering the balancing process that should be  
18 looked at here with these men missing and allegations  
19 and testimonial and documentary evidence that men were  
20 held back alive. The priority should be let's get to  
21 this information. Yes, if a legitimate source and  
22 method is at risk somehow 44 years later or there is

1 some overreaching and legitimate foreign policy, not  
2 just at the pleasure of promoting a certain economic  
3 agenda, but a real overriding foreign policy concern,  
4 okay, legitimate reasons to continue to withhold.

5 But this information is by and large not going  
6 to or it should not fall into these average  
7 classifications. A document, an Air Force document just  
8 came out this summer that showed 137 men whose  
9 situations ranged from some 19 of them were at Kaesong  
10 ready to be repatriated. The war was over. They were  
11 being processed for repatriation and those men didn't  
12 make it back.

13 There are still others who were seen alive on  
14 the ground by their wing men and they didn't make it  
15 back, so on and so forth. This document was classified.  
16 Their families weren't told and it only just recently  
17 came out. And there's all sorts of this information in  
18 there that could help us bring to light the status of  
19 the evidence that are our government has to help our  
20 government, our President, incorporate the realities of  
21 the situation into this foreign policy and hopefully to  
22 bring about an accounting. Thank you.

1 DR. GOLDBERG: Are you going to make a brief  
2 reply to that?

3 DR. COLLURA: I think I understand what  
4 counsel is getting to.

5 MR. CLARKE: I was just reading a book the  
6 other day, last week, and this book is about a Korean  
7 War POW and in the back of it were a number of  
8 debriefing reports and they're wrong, I read them. They  
9 dealt with who was -- I don't know what the word for it  
10 is -- loyal and who was cooperative and who was  
11 uncooperative and what you might call brainwashing them,  
12 and on and on. I read a couple of them. They didn't  
13 seem to be classified. If they've looked at the  
14 material that the Center for Military History has, there  
15 are a number of studies that were written in the 1950s  
16 based on these reports and some of these reports are in  
17 there, and I've used them. And they were classified at  
18 one time, but they've been downgraded and declassified  
19 by someone. There seems to be a little bit of confusion  
20 over what is classified, really classified and what's  
21 not. What the gentleman said almost seems to suggest  
22 that someone go back and classify some of these that may

1 not be classified, or your point they may have been  
2 downgraded to declassified by one group of people and  
3 not downgraded and declassified by someone else.

4 MR. HALL: May I make one brief comment?

5 DR. GOLDBERG: Very brief, please, we're ready  
6 to stop now.

7 MR. HALL: The CIA and possibly other  
8 intelligence agencies have POW/MIA information stemming  
9 from World War II if they've been custodian of those  
10 records through the Vietnam War, much of which had not  
11 even been turned over to DPMO, the very agency  
12 responsible for accounting to those people.

13 DPMO has made inroads with the CIA, but that  
14 and other intelligence agencies have been restricted  
15 from the very responsible branch of government that is  
16 supposed to have access to it.

17 There has to be other channels of  
18 communication and 12958 imposed on the Central  
19 Intelligence Agency and possibly other intelligence  
20 agencies for the release and identification of this  
21 information. It's good to have exception material  
22 hidden, but there has to be the allowance for when it

1 comes to human life, that material being released, even  
2 if it's 25 years old. There is the very strong  
3 possibility that these people have existed and survived  
4 and there is an urgency to this executive order that the  
5 President issued PDD-8 even though the deadline was  
6 November 1993, is still in effect. That urgency is  
7 still outstanding. DPMO treats it as if the deadline  
8 has passed, so there's no more rush. That deadline is  
9 outstanding and all of that documentation that has not  
10 yet been declassified is required to be declassified  
11 immediately and not sooner or later.

12 DR. GOLDBERG: We're going to take a break now  
13 for lunch. There may be an opportunity to take this up  
14 again during the course of the afternoon.

15 MS. KLOSS: If I could, panel members, I would  
16 ask that you make your way up to Room 18-W. Gail Stark,  
17 at the end of the table, if you would escort the panel  
18 members upstairs.

19 Many of the panel members received a  
20 memorandum, a letter regarding Defense Technical  
21 Information Center.

22 Mr. Appler, do you have time to join the panel



1 for lunch to respond to any of their inquiries, because  
2 we're working through lunch, sorry.

3 The remainder of the observers, you are  
4 welcome to return, if I could have you back at 12:45, a  
5 45-minute lunch.

6 (Whereupon, 12:00 noon, the meeting was  
7 recessed for lunch, to reconvene at 12:45 p.m., this  
8 same day.)

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1 AFTERNOON SESSION

2 DR. GOLDBERG: Let's begin. Please be seated.

3 We set aside most of this afternoon for  
4 briefings by the military departments on, I'd better not  
5 say progress, on the status of their programs in  
6 declassification and the first briefing will be by the  
7 Army.

8 BRIEFING BY

9 JACK MATTHEWS

10 MR. MATTHEWS: My name is Jack Matthews. I am  
11 the Director of the Army Declassification Activity,  
12 newly created declassification activity that came into  
13 being last summer to fulfill the requirements of the  
14 Executive Order.

15 What I have here is an outline and a  
16 presentation that I'd like to present to you which sets  
17 forth exactly where the Army program is now and the  
18 procedures that we are utilizing for that.

19 I took the -- put this out for everybody, it's  
20 an outline of the presentation. It makes it very easy  
21 if you want to follow along with this as to exactly what  
22 we are doing.

1           The mission, I think everybody knows what the  
2 mission is and what we're setting out to accomplish.  
3 The Army has succeeded in the leadership. We've gotten  
4 recognition of the leadership. There is a very strong  
5 awareness of the program in the Army. There is support  
6 for the program in the Army and more importantly there  
7 is an inflowing of funds which support the maintenance  
8 of the program in the Army.

9           So far this year we have received roughly  
10 \$18.5 million toward the fulfillment of the program and  
11 we are on the budget cycle, hopefully, to receive more  
12 money in the future to make it come true.

13           The Army's program, as probably any program in  
14 the federal government, is to identify what is an  
15 acceptable risk management -- or manage that risk and  
16 then proceed with fulfilling the requirements of the  
17 Executive Order. In pursuit of this, the Army has, and  
18 I have taken the opportunity of reading the past minutes  
19 of this committee and the recommendations that they had  
20 made with respect to the records that should be  
21 identified for early release, to the maximum extent  
22 possible, we have placed an emphasis on the policy

1 records which deal with the Army staff and the Army  
2 Secretariat and they have been targeted as our number  
3 one priority as the ones to review.

4 In support of this, we have gone from a very  
5 small organization to, we have a core support group now  
6 of roughly 35 people. A lot of those were transferred  
7 over from the Gulf War declassification project, so they  
8 are not novice people. They are very knowledge,  
9 probably too knowledgeable, in the record techniques of  
10 what we are using.

11 Half of that group has been integrated into my  
12 group effective this month. And at the same time, we  
13 have also gone out and we have contracted for a  
14 contractor-owned contractor-operated turnkey Proof of  
15 Principle test, the POP test as we are calling it, to  
16 establish certain objectives, which is the second thing  
17 that we have here.

18 The objective of this Proof of Principle test  
19 is designed to achieve, which it started -- we started  
20 the training this week. We will be opening up our new  
21 facility next Monday. We have the floor plans of the  
22 final facility that we have that I put up there. It is

1 a three-story 35,000 square foot facility that we rented  
2 in Ballston that is being modified for our specific  
3 requirements there.

4 The objectives of this Proof of Principle test  
5 are to validate the digital declassification guide that  
6 the Army has developed. At the time that we started  
7 this last year, we had 400 separate and distinct  
8 declassification guides. And again as you all know, the  
9 emphasis on the records management before was how to  
10 declassify something as opposed to the manner in which  
11 you were going to declassify that.

12 What we did is, we went through and we took  
13 the over 400 individual guides, regulations, everything  
14 that we had, and we had those digitized into one single  
15 program. And those have all be compressed on to five  
16 CDROMs or six CDROMs right now, which has the entire  
17 Army classification program.

18 Now you start with the classification program  
19 and it contains declassification information on how to  
20 work with those programs, how to bring them down, how to  
21 release the documents.

22 I think the requirement is that you establish

1 a declassification guide. We have a classification  
2 guide with declassification instructions and I really  
3 think it is a distinction without a difference. If you  
4 start with something, you can work with it and come  
5 down.

6 Now this guide is one of the things that is  
7 going to be tested. It was delivered in July. It is  
8 being used now for our training program. And the way we  
9 envision testing this is that we are having installed  
10 SIPRNETs which from what I understand is the classified  
11 E-mail system, and as we go along in our Proof of  
12 Principle test that is going to be handled over in  
13 Ballston in our facility. We will use this guide to  
14 identify the documents that we have.

15 If there is something in our guide which does  
16 not mate up with our declassification or our  
17 classification guide, we will then use the SIPRNET  
18 system that we have there. Say there's something from  
19 Redstone Arsenal, we have a question about a missile or  
20 something like that, we will then go on-line and we will  
21 ask Redstone Arsenal what about X, Y, Z missile, we're  
22 missing clarification for what happens after 1985.

1           We will have a short suspense with our subject  
2   matter experts where they will come back to us and they  
3   will say, oh, forgot to tell you in 1991, this was  
4   declassified or everything has gone back and those  
5   messages that will be coming back in with the SIPRNET  
6   will then be filed in the books to be used by our  
7   declassifiers. And periodically the contractor who did  
8   the declassification guide will come through and part of  
9   the contract we have now is, there is a periodic update  
10   using the SIPRNET messages that are coming back in so  
11   you don't need coordination, you don't need additional  
12   material on that, that will be cranked into the  
13   declassification guide that we have. So there is a  
14   continuous and automatic update of the guide that we  
15   have, hopefully, at least on a monthly basis. So it  
16   will be current. And at the end of the period next May,  
17   it hopefully should address most of the problems that we  
18   have.

19           As part of this, we are also going into a  
20   training program and the training program has been  
21   delivered this month. We have the training program to  
22   train those individuals utilizing the declassification

1 guide. And this, again, is on ten CDROMs where you can  
2 go through, it's transportable. We're using it to train  
3 the people that are coming on board now and it's  
4 something that you can go out in the field and you can  
5 address records repositories that are in the field if  
6 the people are not there.

7 If we have to, we can go out to the field. We  
8 can supply an instructor to oversee the training that is  
9 contained on the ROM and we can monitor that way. Or if  
10 for some reason we are not going to go to the field, we  
11 can bring the records into our declassification  
12 facility.

13 We're going to validate the document  
14 declassification process. We have set this up stage by  
15 stage, by stage, again based on the principle of  
16 identifying what is acceptable risk and manage it. The  
17 decision that has been made on the Army program is all  
18 risk decisions will be made by Army personnel that the  
19 contractor personnel will not be making the risk  
20 decisions. They will be responsible for all processing,  
21 everything up to that decision as to whether it should  
22 be declassified or not. But the actual declassification



1 decision will be made by Army personnel.

2 DR. GOLDBERG: That means a double review,  
3 does <sup>it</sup> it?

4 MR. MATTHEWS: No, it does not.

5 DR. GOLDBERG: What does it mean?

6 MR. MATTHEWS: It means that the contractor  
7 will process it, and I'm getting into this. We will  
8 address that.

9 The contractor, as it goes through the various  
10 stages, will make the recommendations. And then the  
11 declassifier, the Army declassifier, based upon what is  
12 contained in the recommendation, what is contained on  
13 the database, the various 34 dictionary elements that  
14 are coming in, that individual does not have to review  
15 it all over. He will look at the recommendation. The  
16 documents contained in the file will be one of seven  
17 color coded ideas coming through and all he has to do is  
18 go to those color coded files and say yes or no without  
19 having to look at the rest of the file. It eliminates  
20 the necessity of two or three people looking at it. It  
21 speeds it up and it gets the record done. I will  
22 address this as we go along.

1 BG ARMSTRONG: But he basically is going to  
2 act on the recommendation of the contractor?

3 MR. MATTHEWS: That's right.

4 BG ARMSTRONG: So while the contractor doesn't  
5 make the decision, he in fact in his recommendation  
6 prefigures the decision?

7 MR. MATTHEWS: That's right. The contractor  
8 will make the recommendation. The decision will be made  
9 by the Army and then the quality control will be assured  
10 that the sampling, to ensure that the risk management  
11 was properly incurred, it also goes back to the point  
12 that I was telling you earlier, contractor-owned,  
13 contractor-operated turnkey project. We do not have the  
14 people in the Army, the ratio of contractor personnel to  
15 Army personnel is six to eight to one. So they are  
16 doing everything that we can to get the thing speeded  
17 up, the administrative work and; yet, the decision  
18 itself is made by the Army, which is what the Secretary  
19 of the Army decided should be appropriate.

20 BG ARMSTRONG: Could I ask a question that's  
21 not about declassification, but is about the record?

22 As I understand it, you are digitizing all of

1 these?

2 MR. MATTHEWS: No, we are not.

3 BG ARMSTRONG: You're not?

4 MR. MATTHEWS: No.

5 BG ARMSTRONG: So you're not going to end up  
6 with any sort of computer imaging?

7 MR. MATTHEWS: If you let me go on here,  
8 that's the bottom point here, okay.

9 We are going to validate the declassification  
10 process. For definition purposes on the POP that we  
11 had, we had to set forth a minimum number of documents  
12 that had to be reviewed. We picked a minimum number of  
13 5 million pages. Again, these are the ones from the  
14 Army staff and the Army Secretariat that are at the  
15 Washington National Records Center, the high visibility,  
16 the policy records that everybody wants to get.

17 We expect that to be greatly exceeded, but  
18 that was the contract, it's for a period of time, not  
19 actually a number of documents, but due to legal things,  
20 that's what we had to put in there.

21 We are going to refine the production and the  
22 cost data. I think all of you are familiar at one time

1 or another when we have gone through, when we first  
2 started out a couple of years ago whatever it is, how  
3 much is this going to cost and they were all over the  
4 place, all the cost estimates per page. That's what  
5 people are looking at, per page, what are you doing?

6 The most common cost estimate that I've heard  
7 in analyzing the Army presentation is a dollar a page.  
8 This is what we were talking about 15 months ago.

9 I think we are all realistically -- we  
10 proceeded away from that and we think a dollar a page is  
11 excessive.

12 What is a proper cost per page? We don't  
13 know. But hopefully at the end of this experiment and  
14 the Proof of Principle test that we're going on, we will  
15 have a better understanding as to what the cost analysis  
16 will be to enable us to plan further as to how we are  
17 going to attack the rest of the records that are out  
18 there.

19 The other thing is to develop the database to  
20 capture, review results. We are not imaging the records  
21 at all. What we are doing, we have an index database  
22 which is unclassified which will capture the document

1 that is involved. But we will not have an image of the  
2 document. And that index database that we have can have  
3 as high as 34 entries with respect to the document so  
4 that we can identify it for whatever purposes and  
5 whatever categories that we need, but we will not have  
6 the document itself.

7 BG ARMSTRONG: Will you have the location of  
8 the document?

9 MR. MATTHEWS: Yes, we will have the location  
10 box, the page, everything; but, we just will not have  
11 that document itself.

12 It may well be that as we get into this Proof  
13 of Principle, that certain documents should be imaged.  
14 We will have the capability to image the documents based  
15 upon our receipt of the Gulf War assets and their high  
16 tech imaging over there. But at the present time right  
17 now, we're developing the procedures, a cost analysis,  
18 an evaluation of what we're doing, and a certification  
19 that we're in the right way. I mean, this is all  
20 subject to change as you get in there. And as we  
21 approach closer to the 15th of May, I'm sure that the  
22 changes will be made in that as the end of the test

1 comes back up.

2 When you look at the Army record location, we  
3 went out and we let a contract to define where our  
4 records are and how many were there so we knew what we  
5 were dealing with. There are the records that we have  
6 as a result of that contract. Our individual efforts  
7 are at the Washington National Records Center addressing  
8 the most recent and at the highest level from the Army  
9 Secretariat and from the Army staff.

10 The other Army commands, the big Army  
11 commands, the two big ones are INSCOM and AMC which are  
12 in this area which could avail themselves of the  
13 facility that we are setting up. But we are starting  
14 out at the Washington National Records Center.

15 And if you go over to the time line on the  
16 next page there, you can see where the contract was  
17 awarded. This Monday, production began at a temporary  
18 facility that we have over in Rosslyn. 15th of October  
19 is the estimate, actually, the estimate I received now,  
20 we got some advance action on some of our building  
21 permits and rezoning permits that we have over at  
22 Ballston, and we are now estimating now it's going to be

1 the 7th of October. The 1st of April we'll have a  
2 decision on the program future that we have and the 15th  
3 of May is when the Proof of Principle test is completed.  
4 At that time, our primary goal will be to extend that  
5 for at least another year so that we can totally process  
6 all of the records that are contained at the Washington  
7 National Records Center.

8 Now, I guess the next question is, how many  
9 documents have you be<sup>er</sup> handling, what's your numbers and  
10 what's your declassification rate?

11 My first declassifiers that I got pursuant to  
12 this came on board the end of July and the first part of  
13 August. Since that time, we have declassified, not  
14 using bulk declassification, I want to emphasize that,  
15 we are looking at bulk declassification. Bulk  
16 declassification has all kinds of magnificent  
17 opportunities for you to get all this money, but we  
18 still want to make sure that what we are doing is right  
19 before we start touching boxes without looking on the  
20 inside of them or looking at one page going through.  
21 Since the 1st of August, we have processed -- my  
22 declassifiers have processed 3.2 million records. Of

1     that 3.2 million records, 98.5 percent have been  
2     declassified.

3             We also, with the strong assistance of NARA  
4     and Jeanne, is Jeanne here? No.

5             We now have an administrative team in place at  
6     NARA assisting NARA and reviewing their records, and  
7     especially the ones that they have referred back to us.  
8     And the number of documents that have been declassified  
9     at NARA is 65 million pages to date, of which 7 million  
10    are undergoing further review by our people that are out  
11    there right now. Of that amount, 90 percent have been  
12    declassified. So we are running a very, very high  
13    percent rate declassification.

14            Our referral system -- what we are following  
15    is to tab and notify with the notice generated by the  
16    automated system which is in our Proof of Principle.  
17    When that comes through and the database picks that up,  
18    it will pop out the notice to the other agencies as to  
19    their documents, location, page number, whatever have  
20    you. I think this is in keeping with what DoD has  
21    agreed to undertake.

22            Again, we have a special agreement in effect



1 that has been formalized and reduced to writing with the  
2 CIA. The CIA has asked us to -- they're going to put  
3 the documents aside for us over there and we will visit  
4 with the CIA and their documents over there rather than  
5 transfer them back and forth. We are amenable to that.  
6 There is not problem.

7 We have participated in all the panels. We  
8 have participated in the DNC panels, the group round  
9 tables, everything where there's Army equities that are  
10 there, we have participated to the fullest.

11 So that basically is where we are. What I  
12 have here, I put some pictures. Here's our facility,  
13 all three floors of it. It's going to be a flow  
14 through. We have our own dock. We have our own skip. <sup>SCIF</sup>  
15 We have security guards. We have everything that you  
16 are supposed to have when you are processing matters of  
17 this type.

18 What we have decided that this right here,  
19 (indicating) every box that comes in to that facility  
20 will have its own cart. And it will not be removed from  
21 that cart; therefore, documents cannot get lost, boxes  
22 cannot get put aside, whatever it is, there is a

1 tracking station that it has to go through with these  
2 boxes here. And what you have on the outside at every  
3 entry station as you are going through, there will be  
4 part of this database, the index database, that as they  
5 do something, they will make that input into the  
6 computer system that is there.

7 At the same time, there will be a manual check  
8 and an envelope that is on the front of the box. And at  
9 the end, you are going to have an exit check and the  
10 computer check has got to check with the manual check,  
11 so there's no documents lost. And the last thing they  
12 do is remove all the color tagging around it that are  
13 there and return the documents to the records center in  
14 the manner in which they were when we received them with  
15 the computer print-out fully indexing what's in the  
16 thing.

17 So that's where we are now. That's what we  
18 have developed. That's what we're implementing. That's  
19 what we're testing. And that is what is in effect.

20 DR. GOLDBERG: Do these numbers of pages that  
21 you have listed under Army record locations include the  
22 exempted --

1 MR. MATTHEWS: Yes, that's the total record  
2 holding.

3 DR. GOLDBERG: What percentage of these are  
4 exempt?

5 MR. MATTHEWS: It's a guesstimate based upon  
6 what we're hearing from DCSINT, our intelligence people.  
7 The intelligence people identified 54 file series in the  
8 Army file series that we have, several thousand file  
9 series as those that should be exempt.

10 I think that there is some discussion going on  
11 at ISOO now as to whether -- there's a question with  
12 respect to four of the 54 file series. They accept 50  
13 of the 54, okay.

14 We are guesstimating, guesstimating, I don't  
15 know what else I can say. This hopefully will be borne  
16 out again by the Proof of Principle where we can refine  
17 the data and what we're doing and like that. Our  
18 initial guesstimate now is that of the exempt -- the  
19 exempt file series should cover approximately 25 to 30  
20 percent of the documents.

21 BG ARMSTRONG: You list in your locations, or  
22 you don't list records for unified commands for which

1 the Army has administrative responsibility, specifically  
2 EUCOM and SOCOM.

3 MR. MATTHEWS: They're in there.

4 BG ARMSTRONG: They are in there?

5 MR. MATTHEWS: They're in there. But when you  
6 take the Army commands and you start identifying the  
7 Army commands, you say the bulk of the records.

8 BG ARMSTRONG: Those aren't Army commands,  
9 those are Joint commands.

10 MR. MATTHEWS: They are picked up.

11 DR. GOLDBERG: The records in the Washington  
12 National Records Center presumably are for a later  
13 period than those in NARA, is that correct?

14 MR. MATTHEWS: For an earlier -- okay, yes,  
15 the records at NARA should be older than the records at  
16 Washington National Records Center.

17 DR. GOLDBERG: The Washington National Records  
18 Center presumably will be 1960s and perhaps early '70s.

19 MR. MATTHEWS: There's an awful lot of  
20 surprises in the boxes dated before 1960.

21 PROFESSOR WEINBERG: You commented on the  
22 effort to develop reasonable cost estimates.

1 MR. MATTHEWS: Right.

2 PROFESSOR WEINBERG: If you are, if I  
3 understood you correctly, starting in effect with the  
4 Secretary of the Army and the Army Staff at the  
5 Washington National Records Center, are you not likely  
6 to end up with cost estimates which are substantially  
7 higher than what you will find when you get into earlier  
8 records of Army commands, earlier materials in the  
9 National Archives, et cetera?

10 In other words, the offset, the starting as we  
11 hoped you would with the higher level and more  
12 important, historically, records almost by definition  
13 they will present more problems to your classifiers, for  
14 your declassifiers, than as you get into others and  
15 lower levels and older materials, the problems  
16 presumably ought to be less and; therefore, the initial  
17 cost estimates, that's my point.

18 MR. MATTHEWS: Okay.

19 PROFESSOR WEINBERG: They may look more  
20 frightening than they should.

21 MR. MATTHEWS: That is one point which you can  
22 look at it. You could also look at it that those are

1 the records that are most recent and the people who have  
2 worked with it most closely and there is not that much  
3 issue about what has been done with those records and  
4 there's all kinds of subject matter experts here in the  
5 Washington, D.C. area where those records are and those  
6 will fly through real quick because they're not  
7 controversial anymore.

8 And the older records, when you get into  
9 commands that have no longer been about there, about  
10 projects that have been abandoned for 30 years and you  
11 have to go back and start searching and find out who was  
12 the successor command and who was this, and who was  
13 that, it might very well cost you more to do the older  
14 records with a fewer output than it would right now,  
15 because it is very easy in this Washington, D.C. area to  
16 find experts on anything that's happened in the federal  
17 government in the last 20 years.

18 So I don't know. This is -- these are all  
19 things that we fought back and forth with and that's  
20 part of the cost estimate and part of what we are  
21 getting forward by the Proof of Principle test and  
22 that's what we will be better able to answer four months

1 from now.

2 MR. CLARKE: Do you find you have to address  
3 microfilm or microfiche, or computer --

4 MR. MATTHEWS: Yes, we do. As a matter of  
5 fact, one of the things that we put out on our contract,  
6 it identified 26 different forms of material that have  
7 to be reviewed that the files potentially have. It is  
8 typewritten, handwritten, printed, sound taped, all  
9 these things that -- there was 26 different variations  
10 that the material could be faced with, that was part of  
11 the contract that we let for the Proof of Principle  
12 evaluation.

13 Now, we want to make darned sure, because  
14 that's a Proof of Principle, that every one of those  
15 gets to that contractor one way or another, so we know  
16 how to handle fiche. We know what readers we read that  
17 are -- you can't even find readers for them now. You  
18 have to -- we're out scrounging stuff to get  
19 old-fashioned readers just so we have them in case we  
20 need them.

21 All these IBM cards that were used have -- it  
22 used to be very popular where you run them through,

1 those machines don't exist anymore. We're trying to  
2 find everything that we can and we're trying to get a  
3 cross-section of everything that we have to put it  
4 through this thing so that they can plan for all of this  
5 type media no matter which way you go. It's part of the  
6 contract.

7 DR. GOLDBERG: How much referral do you expect  
8 to have to do within the Army?

9 MR. MATTHEWS: Within the Army?

10 DR. GOLDBERG: Right.

11 MR. MATTHEWS: I don't know right now. That's  
12 what the Proof of Principle test will tell us.

13 DR. GOLDBERG: Why would you have to do very  
14 much if you have the declassification authority?

15 MR. MATTHEWS: Because the declassification  
16 authority that is granted is derivative from the person  
17 who had the initial classification authority. And in  
18 the letter of instructions, the delegation of authority,  
19 when it says that I will do the declassification, I will  
20 follow the instructions that the original classifier  
21 followed in classifying the material, those 400 guides  
22 are what is on the classification program that we have



1 right now.

2 Where you have to find a decision is, as I was  
3 saying before, on previous commands, previous programs,  
4 where we don't know who was the original authority, we  
5 may have to find out who was the original authority. We  
6 may have to go back. I would hope that that would be  
7 extremely minimal, okay. But, if it is not, I am  
8 prepared to find out who it is so I can take the action  
9 on that.

10 DR. GOLDBERG: Why can't all of that be waived  
11 in the interest of expediting it and in the interest of  
12 common sense, knowing they can talk about something from  
13 40 or 50 years ago that the organization is long since  
14 gone, the people involved are -- maybe even the original  
15 guidance is gone, why shouldn't you have the authority  
16 to handle it? They have people with subject matter  
17 authority to begin with.

18 MR. MATTHEWS: I agree with you 100 percent  
19 and I hope that at the end of the Proof of Principle  
20 that is what we will have on this and saying that's  
21 totally ridiculous to pursue something like this because  
22 it's a road block to stopping what we're doing. At the

1 end of the Proof of Principle that is hopefully what we  
2 will come out with.

3 DR. GOLDBERG: Jim David, did you want to say  
4 something?

5 MR. DAVID: Yes, Jim David, Air and Space  
6 Museum.

7 Could you repeat the number of records  
8 reviewed and declassified at NARA and WNRC?

9 MR. MATTHEWS: NARA it's roughly 65,000 have  
10 been declassified, 7,000 additional have been referred  
11 to us for additional review.

12 MR. DAVID: Million?

13 MR. MATTHEWS: Million, I'm sorry, I'd be in  
14 trouble.

15 (Laughter.)

16 MR. MATTHEWS: And for our facilities, 3.25  
17 million have been reviewed 98.5 percent plus  
18 declassified.

19 MR. DAVID: With respect to the records of the  
20 WNRC that have been reviewed, are they being returned to  
21 WNRC, or are some going to College Park?

22 MR. MATTHEWS: Oh, I don't know.

1           With respect to the records at Washington  
2   National Records Center, we are reviewing some in place  
3   without even taking them out of the building. The  
4   others that are going to our declassification facility  
5   over in Ballston, the 5 million plus, will be trucked  
6   over to Ballston. The records will be physically  
7   removed from the WNRC. They will be processed, indexed  
8   and returned to WNRC. Whether they in turn forward them  
9   right to NARA or what, I don't know; that's not our call  
10   on that.

11           MR. DAVID: The last question is, where does  
12   somebody go to get a list of, for example, what  
13   accessions you have reviewed at WNRC, regardless of  
14   where they are physically located?

15           MR. MATTHEWS: I have <sup>L</sup>~~N~~estor Garcia over here.  
16   We have a computer listing. We could -- I don't know --  
17   I mean, it is not -- it could be gathered. I don't know  
18   --

19           MAJ GARCIA: That hasn't been addressed how  
20   we're going to make the database available yet. We have  
21   a database as the result of the documents that we have  
22   declassified and, of course, once we get the POP done,

1     that database will be made available.

2                 MR. MATTHEWS:  We have an unclassified  
3     database.

4                 MAJ GARCIA:  How we will make it available  
5     hasn't been addressed.

6                 MR. MATTHEWS:  You mean how can you access  
7     yourself to the records that we have already reviewed?  
8     That would be under a FOIA request.

9                 MR. DAVID:  The first step is just to see if  
10    you folks have reviewed them.  Whether or not they're in  
11    College Park and they have been processed or they're  
12    going to be processed, but just the first step of seeing  
13    whether the Army has reviewed a particular accession  
14    RG335 at WNRC, that's my question.

15                MR. MATTHEWS:  We could answer it, I don't  
16    know how we could, but we could answer it with all the  
17    34 entries we got here, we could figure out something,  
18    punch it into the computer.  I'm not a computer person.

19                MAJ GARCIA:  Our database will show if it's  
20    been reviewed.

21                MR. MATTHEWS:  If there's a FOIA request or  
22    somebody asked, we can tell you whether, you know --

1 MAJ GARCIA: The WNRC database will not  
2 reflect it.

3 MR. DAVID: No, no, but your database will?

4 MR. MATTHEWS: Ours will.

5 MAJ GARCIA: Yes.

6 MR. DAVID: How do we get hold of you?

7 MAJ GARCIA: Like I said, we haven't addressed  
8 that piece about how we'll make it available to all the  
9 agencies, I mean contact through us, search on our  
10 database. Eventually I guess it would be, it's an  
11 unclassified database. When we finally get through with  
12 the Proof of Principle, then you ought to be able to access  
13 it on-line or possibly even through the Web. I think  
14 that's the notion we're discussing, because it is  
15 unclassified.

16 MR. MATTHEWS: We made it unclassified so it  
17 would be available.

18 MAJ GARCIA: We're capturing classified data  
19 in the database.

20 MR. MATTHEWS: That is something that will,  
21 I'm sure, will come up in the Proof of Principle.

22 We have tried to think of everything that we

1 can. We tried to walk this thing through. We've been  
2 with the Air Force and had much of their help going in.  
3 We've talked to the Navy and we have been with the CIA.  
4 We've been with everything and tried to shuffle  
5 everything together and come up with something that we  
6 hope is a compilation of all of this that will meet the  
7 requirements and do exactly what we want.

8 And that's why the Proof of Principle and the  
9 statement of work, they're like this (indicating.) We  
10 have gone through these contracts. We let out a  
11 requirements analysis. Once we developed it, then we  
12 had somebody come in and do a requirements analysis, an  
13 analysis of what we're doing, did we hit it right, what  
14 did we miss?

15 One of the things that we missed was what you  
16 were saying there, the 26 different variations in the  
17 thing, that resulted by a requirements analysis of a  
18 contractor coming in troubleshooting what we were doing,  
19 putting that in, other little pieces here and there. We  
20 tried to make the most comprehensive program that we can  
21 and we let the contract with that in mind and we have  
22 the funding for the contract.

1           MR. CLARKE: When you finish this first bunch  
2 of the Secretariat and Army Staff records that are at  
3 Suitland in the Washington National Records Center --

4           MR. MATTHEWS: Right.

5           MR. CLARKE: -- they would be -- those -- our  
6 staff and Secretary of Records, it's still under Army  
7 control?

8           MR. MATTHEWS: That's right.

9           MR. CLARKE: That's what we're talking about  
10 now.

11          MR. MATTHEWS: Right.

12          MR. CLARKE: Obviously, the others, you would  
13 go to NARA. Then you would go out there, there may be  
14 an information sheet out there that you people have put  
15 together listing all the documents that you have given  
16 thumbs up to.

17               Then one could, since the box number is there,  
18 at least get transferred to NARA, one could ask for that  
19 specific document. Then the archivist or the Army  
20 records manager would go in the back and he would find a  
21 box. In that box there might be some classified  
22 documents that are tagged and that don't show up on your

1 print-out. But he would be able to get the ones that  
2 anyone requested in the reading room up front and pull  
3 those and bring them up and let someone look at them.  
4 Is that kind of the end kind of product?

5 MAJ GARCIA: And everything that goes through  
6 the facility will actually have a bar code that could be  
7 entered in and you pull all the information on that  
8 particular folder.

9 MR. CLARKE: It may be a manila folder that  
10 would have a bar code.

11 MR. MATTHEWS: Bar coded and everything.

12 MAJ GARCIA: If there's folders in the box,  
13 they will be treated as individual. If there's no  
14 folders and there's just a box full of paper, it's a  
15 single record.

16 DR. GOLDBERG: One more comment.

17 MS. KNOX: I just have one question.

18 Of the 25 to 30 percent of the documents that  
19 you said roughly will be exempted --

20 MR. MATTHEWS: That's our estimate, or  
21 guesstimate.

22 MS. KNOX: Whatever the ultimate number is,



1 will there be withholding slips placed in the boxes so  
2 that researchers and FOIA researchers will be able to --

3 MR. MATTHEWS: It's my <sup>LANDER</sup> standing they'll be  
4 wrapped with the records wrap that they have at the  
5 Washington National Records Center. That one is tan --  
6 you are getting me into trouble. We've got black wraps,  
7 red wraps, tan wraps, green wraps, blue wraps,  
8 everything. It's the one that can remain in the box  
9 after you return it. All the others are internal  
10 controls for ourselves. The one that is identified,  
11 that goes back to the Washington National Records  
12 Center, is tan or whatever color that is, that stays on  
13 the records when the records go back to them. So that  
14 will remain on them.

15 MS. KNOX: If I'm researching and I see a  
16 document roughly pertaining to such and so has been  
17 withheld, will that provide me with enough information  
18 to pursue the appeal process?

19 MR. MATTHEWS: Yes. You will be able to  
20 identify the document and request that for what you want  
21 and it will be processed as a FOIA request or a  
22 mandatory request for the document. That is part of

1     what we are doing here. That's one of the entries.

2             The exemption category, all this stuff, the  
3     number, everything, number of pages, the functional  
4     area, all that will be part of the bar code which is  
5     what we're placing so much emphasis upon, upon that  
6     paper on the front part of the document, so that they  
7     match up.

8             The one thing, even if we have to go slower,  
9     the one thing that we don't want to have to do is go  
10    back and relook at anything for a second or third time.

11            Also, I know we are out of time, but I want to  
12    put this thing out.

13            Number one is the Army's approach is not  
14    treating the implementation of this Executive Order by  
15    itself. It is part of an overall implementation of the  
16    complete reorganization of the records management  
17    function that the Army has right now.

18            So we have set up this Army declassification  
19    activity which is set up under the auspices of the  
20    Adjutant General. All records management functions have  
21    been transferred to the Adjutant General. So what we're  
22    doing now is, what we are doing is, we are feeding the

1 records management people, they are going out, they're  
2 completely revamping their classification security  
3 guidelines to cut down on the number of documents that  
4 are being classified so you will never find yourselves  
5 in the situation again with all this stuff sitting out  
6 there and not knowing what to do with it.

7           What is envisioned is when the Army  
8 declassification activity shuts down in the next 18  
9 months or two years or whatever it is, in accordance  
10 with this Executive Order, all of the assets that we  
11 have will fold right in to the resource management field  
12 and it will be a continuation of what's happening now,  
13 but for the records for Army wide. And that's exactly,  
14 under one centralized control of the records, that's  
15 what we are shooting for and we are trying to get to  
16 that by getting as many records processed as we can  
17 right now.

18           DR. GOLDBERG: Thank you very much.

19           We have two more briefings before us. I think  
20 Navy is next.

21                           BRIEFING BY

22                           ELLA NARGELE

1 MS. NARGELE: I'm Ella Nargele. I'm here to  
2 represent the Naval Historical Center. I hope to make a  
3 very clear distinction between what I'm saying in a  
4 briefing about the Department of the Navy  
5 declassification efforts.

6 I will give you a little bit of information  
7 about the Department of the Navy, but basically, I speak  
8 for the Naval Historical Center.

9 The Naval Historical Center is a repository  
10 for the operational policy and other premises are for  
11 valuable records of the U.S. Navy.

12 Among these holdings in our records collection  
13 are the Chief Navy Operations records. Specifically of  
14 interest today I think to most of you, I think, would be  
15 the records of the immediate office of CNO, the  
16 Strategic Plans Division and the Political Military  
17 Policy Division.

18 We have Chief of Naval Operations records. We  
19 have Secretary of Navy records and we have a number of  
20 Washington papers that have been accumulated by senior  
21 officials in the Navy and they have been placed in our  
22 custody for safekeeping and for our ability to make them

1 available to the public for use.

2           The resources that we have obtained in the  
3 last couple of years finally are all together and we are  
4 ready to transition from the Navy Gulf War  
5 declassification project that we have been involved in  
6 for the last year and a half. We have been authorized  
7 to maintain the eight declassifiers that we have. They  
8 are already in a period of transition to Executive Order  
9 Records. They are reviewing a portion of those right  
10 now. We have been allocated seven additional permanent  
11 active duty military billets. And these are the people  
12 that will remain after April 2000 to continue the  
13 declassification effort that is required by the  
14 Executive Order.

15           We have the funds now to operate this effort.  
16 We have the office space. We have a computer database  
17 of classification guidance and the authorization to use  
18 the guidance in this database. We have 800 Navy  
19 classification guides. We have 400 Army classification  
20 guides. We have all the Air Force classification guides  
21 and we have State Department classification guidance  
22 which is complete for the years which they have worked

1 through in their effort to publish their documents.

2 That will grow year by year.

3 We also had training for the people on board  
4 already in equities recognition. We have commitments  
5 from other components of DoD and other government  
6 agencies to continue helping us to train our people in  
7 equity recognition, the Department of Energy, CIA, DIA,  
8 and the services as well other agencies.

9 The plans that we have in place emphasize  
10 reviewing the high-risk records first. They contain the  
11 records of the senior echelons of the Navy, the records  
12 of the decision makers, and the high-level strategic  
13 policy records of the Navy.

14 The order of review is the oldest first and  
15 top down. And there are certain reasons behind these  
16 decisions that may be of interest to you.

17 One is at least an orderly process. Another  
18 is that our reviewers are inexperienced. Going through  
19 the records in this way will enable them to build up a  
20 database of their own knowledge. They will learn who  
21 the people are, because quite often you don't know what  
22 it is other than it's signed Allen or Ollie or whatever.

1           It will enable them to learn about the issues  
2   as they build and as they go through the records. It  
3   also gives the most complete range of information on the  
4   issues as you go through them in an ordinarily process  
5   like that, instead of leaping from topic to topic.

6           It covers the records which historians have  
7   already demonstrated to us in the Naval Historical  
8   Center that they are most interested in.

9           They are in the same phase as agencies in the  
10   federal government in developing plans for agencies  
11   working together. There have been some sort of  
12   unexpected dividends. And one of those is the increased  
13   understanding among the services and other government  
14   agencies of the problems and of the nature of the  
15   records. And all this is leading to a number of  
16   cooperative endeavors among the agencies.

17           And these include the sharing of ideas and  
18   resources such as the software programs that we are  
19   using, the declassification guidance which I have  
20   already mentioned which has been shared and the  
21   authority to use them for the first time that I know of,  
22   the training in equity recognition which is a big

1 program now and it is ongoing. It's training the  
2 declassifiers. It's not a sharing among senior people,  
3 it's down at the declassification level.

4 BG ARMSTRONG: Can I interrupt to make sure I  
5 understand?

6 The Army has given the Navy authority to  
7 declassify its documents based on Army guidance?

8 MS. NARGELE: The guidance that they have  
9 provided. There may be other documents.

10 BG ARMSTRONG: But the Navy has reciprocally?

11 MS. NARGELE: Yes, we have given this to the  
12 Air Force, and we have given guidance to the CIA.

13 BG ARMSTRONG: That's a major step forward.

14 MS. NARGELE: We have also been the recipients  
15 of a great deal of software development from the Air  
16 Force including the index database which we're going to  
17 use to index all of our declassification decisions. And  
18 then there is the CIA led cooperative efforts to  
19 declassify the papers from the presidential libraries,  
20 which has in itself been an interesting process.

21 We do feel that there are some challenges  
22 left. One of those is equity coordination. None of us



1 has a good idea of whose equities and the volume of the  
2 equities in our documents. And we have no idea where  
3 our equities are in other people's records and what the  
4 volume of those is, and it's rather frightening to think  
5 about it.

6 BG ARMSTRONG: But if you have given other  
7 people the authority to declassify your stuff, why do  
8 you care?

9 MS. NARGELE: But I haven't given everybody --  
10 it's only certain agencies that knew how to use it.

11 BG ARMSTRONG: Okay.

12 MS. NARGELE: In addition, there are times  
13 when we don't feel like we can do it. We hesitate to  
14 use it, because we don't understand the subject well  
15 enough.

16 Then we have the challenge of overcoming the  
17 lack of declassification guidance on policy issues  
18 within DoD and other places in the government. And  
19 that's at the senior level of DoD, JCS and other  
20 components and there is no guidance that at least we  
21 have the authority to use and I will add a parenthetical  
22 here, that we have nothing from NSC either and we have

1 lots of records that have to be coordinated with NSC.

2 PROFESSOR WEINBERG: I'm sorry, I couldn't  
3 hear the last words.

4 MS. NARGELE: The NSC. We have a lot of their  
5 equity and it's going to be a matter of just no time.

6 PROFESSOR LEFFLER: Have you asked the NSC for  
7 authority, because NCS has given the State Department  
8 authority to declassify its records?

9 MS. NARGELE: No, I haven't asked them and I'm  
10 not sure I will.

11 DR. GOLDBERG: State Department is in a unique  
12 position for this.

13 NCS has often deferred to State Department and  
14 is permitted to make decisions on its behalf of records  
15 and documents. I don't know that it's done in any other  
16 government department.

17 PROFESSOR LEFFLER: They certainly won't do it  
18 unless you ask them.

19 MS. NARGELE: Well, this has been discussed.  
20 We haven't asked for it.

21 DR. GOLDBERG: They've been asked frequently.

22 MS. NARGELE: Part of it is the issue of

1 guidance. Right now I'm talking about declassification  
2 guidance.

3 BG ARMSTRONG: You say you had no  
4 declassification guidance for policy matters from JCS,  
5 OSD and NSC, is that right?

6 MS. NARGELE: Right, and others as well.

7 Then just as the Army mentioned, we have the  
8 challenge of overcoming all of the problems resulting  
9 from the neglect of records management. And that's a  
10 terrible problem. It's one that even if we overcome the  
11 problems of the past, we still have to worry about the  
12 problems of the future unless something is done to  
13 rectify how it's handled.

14 Now I will give you a little bit of  
15 information about the Department of the Navy program.

16 The scope of the effort is one that -- right  
17 now we're saying that it's 210 million pages. But  
18 that's a very hard thing to get a handle on. We have  
19 completely reviewed 80 million pages over the last year.  
20 And so if we are using 210 million pages, that leaves  
21 130 million pages to be reviewed.

22 BG ARMSTRONG: How much have you declassified?

1 MS. NARGELE: You mean the percentage of that?

2 BG ARMSTRONG: Yes.

3 MS. NARGELE: It was a large percentage, even  
4 in the intelligence community, it was something like 95  
5 percent. I think NAVSEA has done a large amount. I  
6 think theirs was 95 or more percent. But I really can't  
7 speak for them, but that's what I think I heard them  
8 say.

9 DR. GOLDBERG: Does that include exempted  
10 records also?

11 MS. NARGELE: Well, the remaining percentage  
12 --

13 DR. GOLDBERG: The 210 --

14 MS. NARGELE: Oh, you mean records for file  
15 series --

16 DR. GOLDBERG: What percentage of the --

17 MS. NARGELE: For the Naval Historical Center,  
18 it's less than 2 percent that we have exempted. But I  
19 can't speak for the Navy as a whole, I don't know. But  
20 for us, we have asked to exempt less than 2 percent.

21 DR. GOLDBERG: You are holding a lot of the  
22 high-level records?

1 MS. NARGELE: Yes.

2 That basically is the ones that have a  
3 confidential entry and we use caution.

4 BG ARMSTRONG: We heard earlier, the concern  
5 has come up about what happens to these records after  
6 you've gone through and said these are declassified?  
7 Are these records then being held by you but available  
8 to researchers or are they going to NARA and --

9 MS. NARGELE: I will only speak to the Naval  
10 Historical Center.

11 BG ARMSTRONG: Okay.

12 MS. NARGELE: Our records are available to the  
13 public right now if they are unclassified, and we make  
14 every effort to declassify them when they're asked for.

15 So when we finish our effort, everything  
16 that's been declassified will be immediately available  
17 to anybody that walks in off the street. Now, it  
18 depends on what's --

19 BG ARMSTRONG: But the issue has come up  
20 because in other instances the records go from the DoD  
21 agency to NARA and because of the peculiarities of the  
22 NARA system, they in fact are not available to research,

1 and that's what I was trying to get at.

2 MS. NARGELE: I really don't know.

3 BG ARMSTRONG: You don't have that problem  
4 because you are a repository?

5 MS. NARGELE: Right.

6 There are a number of Navy commands that are  
7 currently conducting declassification reviews. It's  
8 more than a dozen. They are separate projects that are  
9 underway within the Department of the Navy, because we  
10 have basically a decentralized effort.

11 BG ARMSTRONG: Do you know if the commands  
12 such as Pacific Command, Atlantic Command that are  
13 unified commands for which the Secretary of the Navy has  
14 administrative responsibility to include records,  
15 whether or not their records are being looked at?

16 MS. NARGELE: I can tell you that we have been  
17 working very hard with CIN<sup>C</sup>PAC to help them.

18 BG ARMSTRONG: Yes, the 10 million microfilm  
19 thing?

20 MS. NARGELE: Well, it's more than that. We  
21 have a lot of the paper records. And we have been  
22 helping them locate the ones that are in record centers

1 elsewhere.

2 BG ARMSTRONG: ACOM hasn't come to you --

3 MS. NARGELE: We have begun talking to them,  
4 but that's only been recently.

5 But CINPAC is well on it's way to getting  
6 itself organized, and we've been talking to CINPAC.

7 DR. GOLDBERG: Naval Historical Records  
8 Centers are only a part of the total, aren't they?

9 MS. NARGELE: That's right.

10 DR. GOLDBERG: Would you estimate that the  
11 rest is substantially greater --

12 MS. NARGELE: It's a larger percentage, yes.

13 DR. GOLDBERG: It's a larger percentage?

14 MS. NARGELE: Yes.

15 DR. GOLDBERG: So that you probably have more  
16 than a half a million pages altogether, the Navy.

17 MS. NARGELE: We also, I can speak to the  
18 charter for this effort.

19 The general counsel of the Navy has been  
20 appointed to oversee the program for the Secretary of  
21 the Navy, that will be contractor support and this is  
22 for the records that are not being reviewed by the

1 individual agencies. The Department of Navy  
2 Declassification Office has been designated to provide  
3 central direction under this contract and there is an  
4 oversight committee of senior Naval officials and this  
5 is cochaired by OPLAB NO9N and then the Director of  
6 Naval History. They're all the members of the  
7 committee.

8 Any additional questions?

9 MR. DAVID: For department of the Navy in  
10 general, where does one go to get a list of what's been  
11 reviewed and where it is presently located?

12 MS. NARGELE: A database, as far as I know,  
13 once again, I'm not a part of the efforts so it's just  
14 sort of hearsay.

15 But as far as I know, they are creating a  
16 database that is very similar to the ones that have been  
17 created by the Air Force and this information right now  
18 is held by the departments that are doing review. I'm  
19 sure that if you go to them and ask, they can tell you.

20 OBSERVER: The point of contact for the Navy  
21 is Chief of Naval Operations.

22 MR. DAVID: I'm sorry?



1 OBSERVER: NO9N.

2 MR. DAVID: Thank you.

3 MS. NARGELE: Once we are underway, the  
4 information from ours will be available at the Naval  
5 Historical Center and perhaps other places as well.

6 OBSERVER: Thank you.

7 DR. GOLDBERG: Any other questions?

8 (No response.)

9 DR. GOLDBERG: All right, thank you very much.  
10 The next in order, the Air Force, please.

11 BRIEFING BY

12 SHELDON GOLDBERG

13 MR. SHELDON GOLDBERG: I'm Sheldon Goldberg,  
14 I'm an historian at the Air Force History Support  
15 Office. I'm representing the Chief Historian today.  
16 Today happens to be the 50th anniversary of the Air  
17 Force, so the senior people are down in the Pentagon  
18 celebrating.

19 With me here today I have two colonels from  
20 the Air Force Declassification Team, Lieutenant Colonel  
21 Don Dyrda, Colonel Dale Freeman and Debbie Ross from the  
22 Information Security SFI, who are part of the management

1 of the Air Force declassification system.

2 I'm going to do this a little bit different  
3 than some of what you have heard before today. In your  
4 ISOO report there is a whole big blurb here about the  
5 Air Force Declassification Team winning the Hammer Award  
6 for the innovation and reinventing government.

7 You heard from a number of people that the Air  
8 Force has jumped out and helped them with software and  
9 this and that and that the Air Force has been at the  
10 forefront of this declassification procedure. I thought  
11 it might be a good idea to give you just a little bit of  
12 historical background in the creation of this team. And  
13 some of the issues that we have been discussing about  
14 referrals, et cetera, will come out in this thing and  
15 then I will give you a little bit about the current  
16 numbers.

17 Okay, ten years ago in April 1987, the MACV  
18 records in the National Archives -- were transferred to  
19 the National Archives. In July of that year, we got  
20 notification from the Army that this had occurred and  
21 that we would be getting referrals on Air Force equities  
22 in the Archives.

1           So we decided, the Air Force Historian in  
2   August of '87 sent a letter to the Air Force  
3   Administrative Assistant asking that guidance on  
4   Southeast Asia be reactivated. In the late 1970s, there  
5   was -- the Air Force had a Southeast Asia guide. It was  
6   allowed to lapse.

7           We proposed that this guide be reactivated.  
8   The people responsible for reactivating the guidance  
9   were the information security people who, at that time,  
10   were in Kirtland New Mexico. Although the  
11   administrative assistant had overall authority on  
12   declassification, as is the case today.

13           The first thing that was done, this proposal  
14   was accepted and I was the person volunteered by the  
15   historians to participate in this effort and I'm still  
16   participating after ten years. The SPI people out in  
17   Kirtland <sup>Starlet</sup> went around to the rest of the Air Force, asked  
18   for new inputs on Southeast Asia, get the status of the  
19   importance and the classification of Southeast Asia  
20   stuff and a draft guide was created.

21           Early in '88, NARA asked about the guidance,  
22   stating that there would probably be a lot of referrals.

1 By May of 1988, the information security people had a  
2 draft Southeast Asia guide that was available for  
3 circulation. At about that same time SAFAA, the  
4 Administrative Assistant in May of '88 proposed that  
5 meetings be conducted within the Air Staff on the use of  
6 the guide, what were we going to do with this guide, how  
7 were we going to implement it. At that point, the AA  
8 representative to this procedure was Colonel William  
9 Davidson the SAFAAZ. That Colonel Davidson is now Mr.  
10 Davidson. He is the Administrative Assistant and he has  
11 participated in a hands-on management lead to this  
12 program from that time to this time.

13 At the very first meeting, we got together and  
14 discussed how we were going to do this and it was pretty  
15 much thought at that time that you couldn't use regular  
16 officers because here we're 13 years after the end of  
17 the Vietnam War and the only people with any experience  
18 would have been senior colonels and general officers.  
19 So it was decided that reservists, you could get  
20 reservists who were still maybe majors, lieutenant  
21 colonels reservists would have the knowledge to use  
22 these guides and do the declassification. So, Mr.

1 Davidson went and picked somebody, Colonel Jim Annis,  
2 who was the first leader of the declassification team.

3 A second issue that came up at this meeting  
4 very early on was where were the records, who had them,  
5 where were they? In July of '88, the Vice Chief of  
6 Staff sent out a letter to the various commands asking  
7 them to identify, survey their commands, find out who's  
8 got what, what's out there.

9 By the 1st of January of '89, the draft guide  
10 was distributed under another letter by the Chief of  
11 Staff with a draft implementation plan for a five-year  
12 program starting in February of '89 and going through  
13 '93 to do the search, the declassification of the  
14 Southeast Asia records.

15 But by August of '89, the team was set up  
16 first at Andrews to do the records here in the D.C. area  
17 in the Archives and in the Records Center. They also  
18 went out to PACAV and to various other agencies to do  
19 training and to determine what was there.

20 In March of 1991, the team moved down to  
21 Maxwell Air Force base and basically co-located with the  
22 Air Force Historical Research Agency which is the

1 repository for most Air Force records and histories and  
2 they proceeded to start reviewing the histories and  
3 other publications.

4 DR. GOLDBERG: When you say most Air Force  
5 records and histories, how much do you mean beyond  
6 histories?

7 MR. SHELDON GOLDBERG: A lot of graphs.

8 DR. GOLDBERG: Oh, they're not records?

9 MR. SHELDON GOLDBERG: Right, no, not records,  
10 I'm sorry, I misspoke. Some raw documents that are not  
11 record copies of things.

12 By that time, the team was cooperating with  
13 DPMO on reviewing POW/MIA records, the Gulf War had  
14 started and they were doing Gulf War records. The  
15 Southeast Asia guide was revised and reissued again in  
16 June of 1992. And basically they finished on time in  
17 1993. By that time, drafts of the new Executive Order  
18 were being passed around. And I think there was one in  
19 November of '93. And at that point, a lot of the  
20 emphasis shifted over toward preparing for the coming  
21 new Executive Order using the experience and the people  
22 that -- the experience that was developed in this

1 Southeast Asia product.

2 In February of '94, the Air Force Historian  
3 wrote another similar letter to the Administrative  
4 Assistant asking that a new set of guidance be developed  
5 to use in review of the coming Executive Order. During  
6 1994 and early 1995, before the Executive Order came  
7 out, the management team developed the declassification  
8 tools that are now being used, this Tool Book we just  
9 talked about that you are going to see tomorrow morning.  
10 There's also another computerized program called Quest  
11 which is a training package to train the field  
12 historians out in the field to do declassification based  
13 on the guidance. You heard the talk about this package  
14 of guidance that's developed and that is in use.

15 In October of '95, the Air Force put out an  
16 automatic declassification plan, submitted it to ISOO.  
17 This same plan was submitted to the field in January of  
18 '96, and just recently in January '97, an appendix was  
19 added which deals with the referral procedures for the  
20 declassification.

21 In addition to this, I think that this  
22 committee, when this committee submitted the lists of

1 materials that they wanted dealt with early on, they  
2 mentioned -- some mention was made of records in St.  
3 Louis. A year ago I took part in a survey with the  
4 declassification team. We went out to St. Louis and  
5 looked at what was there.

6 Now what was out there was a bunch of  
7 basically unscheduled records, but of very high  
8 importance. People asked where are the SAC records?  
9 They're in St. Louis. Where is a lot of other things?  
10 It's out there.

11 The Air Force top secret material which was  
12 held outside of the main Page Boulevard facility, this  
13 is at Winnebago Street, was entirely transferred up here  
14 to the declassifiers at Crystal City mainly because it  
15 was practically unserviceable at the satellite  
16 locations. The whole pile was reviewed by them and has  
17 been passed on to the Archives now. It is wonderful  
18 stuff. They are also now reviewing some of the secret  
19 and below materials.

20 Right now they're dealing with about 1,200  
21 pages -- no 1,200 cubic feet of R&D material that goes  
22 from the '40s and through the '50s.



1           There is also materials there that used to be  
2   Record Group 18 that go back to World War II. In fact,  
3   if you are looking for, you know, histories of Eighth  
4   Air Force have been written from the headquarters  
5   materials in the Archives and from the Air Force  
6   histories. But practically nobody has seen the records  
7   that were retired by Eighth Air Force.

8           When I was out there, we sampled some of those  
9   boxes. The entry says Eighth Air Force 1942 to 1947. I  
10   sampled the first box of Air Force plans and in it was  
11   all the Bolero files, the transportation oversees. I  
12   mean it's pure gold. Eventually that stuff will get  
13   into the system and become available along with a lot of  
14   other stuff. It's not just -- let me backtrack -- much  
15   of the top secret material that was there was SAC  
16   materials, I would say 60/40. A lot of it is restricted  
17   data, nuclear stuff, it's automatically exempt. But  
18   other stuff eventually will come through the pipe. A  
19   lot of the stuff that's less than top secret will  
20   eventually come out.

21           PROFESSOR LEFFLER: What does that mean  
22   eventually? Are those things still in St. Louis or are

1     they being moved to Washington?

2                 MR. SHELDON GOLDBERG:   The less than top  
3     secret is still in St. Louis.

4                 PROFESSOR LEFFLER:   And the top secret and --  
5     the secret and above --

6                 MR. SHELDON GOLDBERG:   The ~~stop~~ secret has  
7     been passed to the Archives for processing.  It's been  
8     reviewed and --

9                 PROFESSOR LEFFLER:   And it's physically in --

10                MR. SHELDON GOLDBERG:   -- College Park.

11                DR. GOLDBERG:   How much of it is exempted?

12                COL DYRDA:   Probably less than 15 percent of  
13     it, 10 to 15 percent of it is exempted.  The Air Force  
14     exempted no record files series at all in the Executive  
15     Order.

16                DR. CAHN:   The rest is accessible then?

17                COL DYRDA:   It's accessible except for the  
18     fact that the documents were damaged.  And NARA is going  
19     through the process of reconstructing and rebinding some  
20     of the documents.

21                MR. SHELDON GOLDBERG:   This survived a fire  
22     there.  I mean if you've got documents, you know,

1 plastic ring binders, they melted. There are a lot of  
2 documents that were in individual envelopes, okay? In  
3 most cases, they were not sealed envelopes. The  
4 envelopes were tucked in. That glue ended up being  
5 glued to the document. When I looked at the stuff in  
6 the 1970s when we borrowed some of it out of SAC, we had  
7 to use a hair dryer to get the document out of the  
8 envelope. So there's significant work that needs to be  
9 done to make these things usable.

10 BG ARMSTRONG: You said essentially you dealt  
11 with the problem of the SAC records, is that fair to  
12 say, in so far as you know anyway?

13 MR. SHELDON GOLDBERG: There's nothing there  
14 later than 1966.

15 PROFESSOR WEINBERG: So the Eighth Air Force  
16 records are still in St. Louis, did I understand that  
17 correctly?

18 MR. SHELDON GOLDBERG: Yes. Because of  
19 priority, they're going to review this unknown bunch of  
20 R&D, 1,200 cubic feet of R&D records before they deal  
21 with the World War II stuff which they can let  
22 automatically go if -- a lot of it had been

1 declassified, but they found that there was no  
2 documentation of the declassification and it really  
3 needs to be looked at a little bit again before it is  
4 released.

5 BG ARMSTRONG: Let me <sup>TAKE</sup> ask you back to SAC for  
6 a minute. SACAF has responsibility for the SAC records.  
7 Are you going to be able to get a handle on those  
8 records that are subject to the 25-year rule so that  
9 they will have been looked at and either exempted or in  
10 some manner reviewed?

11 MR. SHELDON GOLDBERG: Well, whatever is out  
12 there has got to be looked at, the rest of it, yes.

13 We started, one of the things I haven't gotten  
14 to yet is, the Air Force started with the most  
15 important, the top secret, the most important first,  
16 because we were geared up and the reviewers had the  
17 experience. So we started with the TS, the next is  
18 going to be an unseen bunch of R&D material or logistics  
19 stuff and the World War II stuff is going to be last  
20 because it is the least -- it may be the most important,  
21 but it is the least security.

22 BG ARMSTRONG: Could I ask you about the NORAD

1 ADCOM records. Do you have a handle on where those are?

2 OBSERVER: I believe if you are speaking of  
3 the Unified Commands, they are responsible for  
4 declassifying their own records. That's the approach  
5 that we have taken as far as I know.

6 BG ARMSTRONG: Cynthia, you are the OSD  
7 person, is that right?

8 MS. KLOSS: Yes, sir, I am.

9 BG ARMSTRONG: Is what she said right?

10 MS. KLOSS: I think that I have always told  
11 this panel that the area we were most concerned about  
12 was the Unified and Specified Commands, because the  
13 relationship for Administrative Executive Agent is not  
14 equally defined by each agency. With the exception of  
15 EUCOM, each of the Unified Specified Commands have  
16 developed their own declassification programs and plans.  
17 The only exception is EUCOM. And those plans call for  
18 their review of the material when they are retired. I  
19 will tell you, I think that's the big issue is when they  
20 are retired.

21 BG ARMSTRONG: Like ADCOM records for which  
22 you have a successor command but --

1 MS. KLOSS: Right.

2 BG ARMSTRONG: Okay. So you're saying  
3 basically SPACECOM has responsibility for those records?

4 MS. KLOSS: Yes I talk to SPACECOM often on  
5 their holdings.

6 MR. SHELDON GOLDBERG: I don't think in the TS  
7 stuff, I don't think there was any unified NORAD stuff  
8 there. There's no early Air Defense Command stuff, but  
9 that's entirely Air Force.

10 DR. GOLDBERG: Where did NORAD records go when  
11 they were retired?

12 MR. SHELDON GOLDBERG: I don't know.

13 BG ARMSTRONG: I don't know, but since they're  
14 by national certified definition of that command they  
15 may never be retired, in the sense that they go into our  
16 system. I don't know what provisions there are.

17 MR. SHELDON GOLDBERG: Again, I don't want to  
18 knock somebody who's not here, but what was said before  
19 about records management accuracy has been deemphasized  
20 almost everywhere in the last two decades and it is  
21 hurting. Everybody recognizes it needs fixing.

22 PROFESSOR LEFFLER: It would be of interest

1 for someone to find out where these records are.

2 PROFESSOR WEINBERG: We do have combined  
3 international records of commands of World War II, Shafe  
4 so on, and so forth, lots of them ended up in this  
5 country. They're international agreements covering  
6 access issues and classification. Presumably in NORAD,  
7 records are subject --

8 MR. SHELDON GOLDBERG: Somebody needs to ask  
9 the records managers out there if they have any record  
10 of what they did with this stuff.

11 MR. DAVID: I was just going to say, there's a  
12 couple record groups, I can't recall their numbers at  
13 the moment, at WNRC that have records of joint unified  
14 and specified commands and some of those record groups  
15 have records at NORAD and U.S. Strike Command, so on,  
16 and so forth.

17 DR. GOLDBERG: Of course, we do hold the  
18 records of other national commands and a lot of NATO  
19 records, for instance, back here in Washington in our  
20 records files too. So we do hold a lot -- we don't have  
21 the records, they're not retired here, we have a lot of  
22 the documents.

1 BG ARMSTRONG: There is the problem of the  
2 lack of successor commands. You just brought up two,  
3 the U.S. Strike Command was replaced by U.S. Raimans  
4 (sp?) Command which was really not replaced by anything.  
5 In that case, I would assume that the Army would be the  
6 -- had residual responsibility for those records, in my  
7 recollection the administrative agency.

8 MR. SHELDON GOLDBERG: There's SIGNAV that's a  
9 Navy thing, there's all sorts of short lived --

10 MR. CLARKE: A separate decision has to be  
11 made in individual cases, MACV being the most obvious  
12 one to us. If MACV goes away, obviously, there's no  
13 U.S. Command in South Vietnam and so DoD gives Army  
14 residual authority or responsibility.

15 BG ARMSTRONG: My only concern is that those  
16 decisions have been made.

17 MR. CLARKE: Or sometimes they haven't been  
18 made.

19 BG ARMSTRONG: In which case, the three,  
20 you've got the records, what do you do with them? They  
21 haven't been reviewed and automatically declassified.

22 MR. CLARKE: You have to ask someone to make



1 the decision.

2 DR. GOLDBERG: You haven't finished yet, have  
3 you?

4 MR. SHELDON GOLDBERG: No, I have just a  
5 little bit more. Just one more effort that's underway  
6 through the Air Force Historian that I just wanted to  
7 make you aware of.

8 The Archives has -- this is from the Southeast  
9 Asia time period -- there are computerized reporting  
10 systems, JCS reporting systems, SEADAB, CACTO, whatever  
11 old computerized systems that have been on file in the  
12 Archives for years. They were basically unreadable.

13 We had a -- one of our reservists who was a  
14 computer expert has been working on this and we provided  
15 a little seed money to a contract outfit made up of a  
16 bunch of old programmers who had the tools to unlock  
17 this stuff. And we finally got somebody to pay to get  
18 this work done, SUCTAC who was responsible for demining  
19 in Southeast Asia has paid to get these tapes developed.  
20 And there's 133 data entry points possible for every  
21 mission during this period. I think the SEADAB covers  
22 1970 to the end of the war and then they're going to

1 work on the earlier 1965 to '70 tapes, which means you  
2 are going to be able to, through a computer, follow how  
3 air cut campaigns developed over time mission by  
4 mission.

5 Some of this will have POW/MIA implications in  
6 searching. This demining effort is really paying off  
7 for them. This is a tremendous amount. This will be  
8 usable for professional military education. You'll be  
9 able to follow this war through a computer, mission by  
10 mission. It is an incredible amount of information and  
11 this stuff will be available in the near future. I'm  
12 not sure just how it is going to be made available, but  
13 it is being used, and it is going to be made soon.

14 Let me get briefly into some of the numbers  
15 here, the current information.

16 Basically, the Air Force is approaching,  
17 coming close to the 15 percent goal mandated for the  
18 5ADO. As far out in front as the Air Force has been, we  
19 actually had a slow start in numbers because we focused  
20 on the most sensitive material first and because,  
21 basically, in the Air Force this whole review was an  
22 unfunded requirement. It's been done by reserve

1 personnel and there's manhour questions. With the last  
2 quarter of this fiscal year, they've been limited in  
3 what they could do, they have to slow down their whole  
4 program.

5 But now that most of the most sensitive stuff  
6 is done, they'll be getting in to the easier material  
7 which they can do faster and they'll be able to catch up  
8 to the percentage guidelines.

9 DR. GOLDBERG: How much was the most sensitive  
10 material that has been done?

11 MR. SHELDON GOLDBERG: How much?

12 DR. GOLDBERG: Yes, what number of pages, what  
13 percentage of the total, whatever, do you have any  
14 notion of that?

15 MR. FREEMAN: We can pull that off the  
16 database and get that for you tomorrow morning.

17 DR. GOLDBERG: And how much of it is exempted  
18 still?

19 MR. SHELDON GOLDBERG: From 1995 to September  
20 of 1997, the Air Force has reviewed 26,606,864 pages,  
21 basically 15 percent of the total number of pages which  
22 was estimated at 176 million pages.

1           They have declassified 16,582,268 pages which  
2   is basically a cumulative total, 62 percent of what was  
3   reviewed. This was of the highest level, TS stuff.  
4   Obviously, that should improve in the next years.

5           DR. GOLDBERG: 26 million at TS level?

6           COL DYRDA: No, sir, not that entire --

7           MR. SHELDON GOLDBERG: Not all TS level.

8           OBSERVER: It was just our most sensitive  
9   stuff. It was not necessarily Top Secret, but it was  
10   our most sensitive stuff.

11           MR. SHELDON GOLDBERG: In fact, it was an  
12   improvement between '96 and '97, the cumulative 62  
13   percent is based on 54 percent declassified in '96 and  
14   up to 72 percent declassified in '97, and it should come  
15   up.

16           DR. GOLDBERG: What period does it cover?

17           MR. SHELDON GOLDBERG: Time periods, you just  
18   -- this includes Washington National Records Center and  
19   the Archives and a lot of the stuff in the field, a lot  
20   of the material is material that was histories from the  
21   Air Force Research Agency down at Maxwell.

22           COL DYRDA: It included all periods for the

1 last 50 years, right up until 1975, from '47/48 through  
2 '75.

3 DR. GOLDBERG: '75?

4 COL DYRDA: Yes.

5 DR. GOLDBERG: You are ahead.

6 COL DYRDA: Because we are doing histories,  
7 and some of the histories went right up to 1975.

8 DR. GOLDBERG: And most of that is in the  
9 Archives or still at the Washington National Records  
10 Center?

11 MR. SHELDON GOLDBERG: The histories  
12 themselves are at Maxwell and they're filed in order.  
13 You will get a block of histories from '42 through '75.  
14 So they're going to do that whole unit together.

15 DR. GOLDBERG: How much of this total do those  
16 histories comprehend? Are they a large part of this 26  
17 million?

18 MR. FREEMAN: No.

19 DR. GOLDBERG: No? Some of them are pretty  
20 big, they have a lot of pages in them.

21 OBSERVER: I'm not sure that we could capture  
22 that without going back and looking at all of it.

1 DR. GOLDBERG: You are not talking only about  
2 records in the National Archives and the Washington  
3 National Records Center, you are talking about materials  
4 down at the Maxwell Air Force Base?

5 COL DYRDA: And out in the field.

6 DR. GOLDBERG: And in the field also.

7 OBSERVER: The total figure.

8 DR. GOLDBERG: They're widespread.

9 COL DYRDA: There's approximately 11 million  
10 pages at the Historical Research Agency at Maxwell and  
11 we have completed somewhere around 4 million to 5  
12 million of those pages.

13 DR. GOLDBERG: At Maxwell?

14 COL DYRDA: At Maxwell.

15 BG ARMSTRONG: Is there a listing of the  
16 histories you looked at?

17 COL DYRDA: Yes, we do. Maxwell is in charge  
18 of that -- all the SAC histories have been done.

19 MR. SHELDON GOLDBERG: They provided training  
20 to the field, they have gone out and visited most of the  
21 major command locations and clarified the issues to them  
22 and helped these other commands to get started and do

1 their own reviewing by providing the guidance and the  
2 training. And basically I guess that's all I've got.  
3 I'm about on time.

4 DR. GOLDBERG: Yes.

5 MR. DAVID: Just to clarify things, virtually  
6 all, or all of the TS SAC records from 342 in St. Louis  
7 have been brought here for review, is that correct?

8 MR. SHELDON GOLDBERG: They have been reviewed  
9 and they're already passed to the Archives.

10 DR. GOLDBERG: That's through 1966, only  
11 through 1966.

12 MR. DAVID: And the secret and below SAC  
13 records in 342 in St. Louis are still there and sometime  
14 in the near future they'll be brought back for review?  
15 Will there be the same cutoff date there, '66 will that  
16 go through '74?

17 MR. FREEMAN: That'll go through '74. We  
18 currently have transferred approximately 500 more boxes  
19 from St. Louis down to Maxwell where a group of  
20 reservists are reviewing those. From Maxwell they'll go  
21 to the Archives or back to St. Louis wherever NARA  
22 decides they want to hold it.

1 MS. KNOX: Dr. Goldberg, you mentioned the  
2 specific targeting of the Vietnam era documents. The  
3 Defense Authorization Act of '91 as amended by '95  
4 required the same review of collections for all  
5 departments with regard to the Korean war documents.  
6 Has that been done, to your knowledge, within the Air  
7 Force?

8 MR. SHELDON GOLDBERG: I don't think so. The  
9 Korean War is just being done with the 25-year review.

10 OBSERVER: I'm not aware of any effort that is  
11 going on, but I would have to check that out.

12 MS. KNOX: Could I check with you?

13 OBSERVER: Yes.

14 COL DYRDA: We are aware of the emphasis on  
15 the Korean War POW/MIAs and our researchers flag, call  
16 us, let us know immediately when they run across this.  
17 It was brought up this morning that that information is  
18 not by itself, it's within all the record groups. So  
19 it's just a matter of reviewing the entire record group  
20 to find this particular information.

21 MS. DEAN: One particular record group.

22 MR. DEAN: Richard Dean, I'm with the



1 Korean/Cold War Family Association of the Missing.

2 We've heard a lot all day today about exempted  
3 files. It sort of begs the question as far as  
4 declassification as to when the exempted files will be  
5 -- is there some mandated date when they will be  
6 revisited, five years, ten years, 15 years from now? It  
7 could be a big problem.

8 MS. KLOSS: The one time only file series  
9 exemption, each file series included a date or event for  
10 declassification. That was part of the original  
11 justification. In some cases, it was a very clearly  
12 stated event, upon renegotiation of a treaty or some  
13 other circumstance. In other cases, it was a time  
14 frame, exempt from the 25-year rule plus five years,  
15 plus ten years. So each file series has a separate and  
16 distinct declassification bench mark.

17 MR. DEAN: That problem has been looked at and  
18 identified at the time of the first visit?

19 MS. KLOSS: Yes, sir, and as I mentioned, this  
20 summer we have gone through all of our submissions to  
21 expand on the description and be more specific on the  
22 date or event. Professor Weinberg's question, have

1     these files series requests been approved? The answer  
2     is, no, they have still not been approved.

3             MR. HALL: These exempted materials, are they  
4     identified? Whereas, whether it be Korea or Vietnam era  
5     or a later era documentation, if we come to realize  
6     tomorrow or at a future date that a certain set of  
7     exempted records has POW material, if you don't give us  
8     a list or make a list available, we cannot identify it  
9     to put it into special handling or whatever, this  
10    process that is set up. But if there are certain  
11    records that are withheld from declassification, if they  
12    are not revealed to exist, they can't be identified to  
13    be put in for declassification. You are saying that  
14    that can be flagged at some future date, that may not be  
15    sufficient if they contain records that need to be  
16    accessed. Am I clear on that?

17            MS. KLOSS: Not to me, I'm sorry.

18            MR. HALL: Pertaining to POW information, if I  
19    find out Secretary of Defense, the example this morning,  
20    Secretary of Defense Laird's records, I can't believe  
21    they can't be found. I put in three FOIAs. These may  
22    be exempted material, they may be withheld for

1       declassification.

2               DR. GOLDBERG: Did you ask Secretary Laird?  
3       He has them, if you are looking for them, he still has  
4       seven or ten file cabinets of material.

5               MR. HALL: I put in an FOIA for Secretary of  
6       Defense.

7               DR. GOLDBERG: Did you talk with him directly  
8       or write to him directly?

9               MR. HALL: I already did, and he said to put  
10      -- I spoke to him on the phone and he said put them in a  
11      FOIA to DoD. You are the ones that are responsible for  
12      it, he doesn't take his official records with him home.

13              DR. GOLDBERG: Who says so?

14              (Laughter.)

15              DR. GOLDBERG: He had custody of them. He  
16      didn't have them at home. He had custody of them  
17      elsewhere than the Pentagon.

18              MR. HALL: He didn't take his breakfast  
19      meetings and that's where the POW information is. I use  
20      that as an example. If there are other such records  
21      that contain POW information, I don't find it acceptable  
22      that you can withhold them and not identify where they

1 are when they are subject to other Executive Orders.  
2 This is what has been going on. You may be correcting  
3 it, but up to this point this has been what is going on.

4 PROFESSOR WEINBERG: I think maybe the  
5 question that's being asked is the following, is there  
6 or will there be a publicly available list of the file  
7 exemption requests that presumably through ISOO go to  
8 the White House for approval. Then if and when an ~~AS~~  
9 action is taken, there would be a listing from this  
10 segment of the Department of Defense, these file series  
11 have been exempted from the Department of the Army,  
12 these have been. If I understood correctly, the Air  
13 Force isn't asking for any.

14 MR. HALL: You're touching on it, yes. So if  
15 these were Air Intelligence files, which I'm also  
16 looking for, and they were exempted, I would have a  
17 right to access for them in two years under the  
18 mandatory declassification review. But, if you didn't  
19 give me that list or the White House or somebody didn't  
20 give me that list, I wouldn't know where to look for  
21 them.

22 MR. CLARKE: I don't understand, I go out to

1     Suitland, you know, if I'm working out there, they  
2     change things around there every so often, but I'll go  
3     in there and I'll say, hey I want to look at the  
4     Secretary of Defense records and they're not going to  
5     let me see them, they don't know who I am if I don't  
6     show them my ID or anything.

7                 But I've used Laird's records because when I  
8     was working Vietnam, I was interested in every one of  
9     his trip reports, what he had before he went to Vietnam,  
10    what he did when he was in Vietnam, what he did when he  
11    came home. So I looked at -- they open up the file  
12    cabinets up front and they let me look at all the  
13    transmittal sheets that were typed when the DoD records  
14    went out there.

15                Now I have to figure out from those  
16    transmittal sheets what years and what might be of  
17    interest to me. Some of them are just one box, some of  
18    them are -- it just depends on what the clerk decided to  
19    type. But they're out there.

20                MR. HALL: Not all out there.

21                DR. GOLDBERG: They're not all out there,  
22    that's correct.

1           MR. CLARKE: There were two or three file  
2 cabinets out there.

3           MR. HALL: That's what I say, there's 10  
4 million records declassified and that's a lot of  
5 records, that's an impressive amount. But if there's 1  
6 million of highly relevant to what I'm looking for,  
7 that's more important than the 10 million that also  
8 exist. You say Secretary of Defense Laird's records are  
9 there. Yes, I know that they are there. That's not  
10 what I'm looking for, I'm looking for his breakfast  
11 meetings which are a particular subset.

12           MR. CLARKE: I was looking for that. The  
13 records are out there. Now the question whether they're  
14 classified, if they're classified. Then I can't see  
15 them unless I have a security clearance.

16           MR. HALL: But you have to know where they are  
17 to have them declassified.

18           MS. KLOSS: Let me respond to your question  
19 Dr. Weinberg, because I know the answer to that,  
20 hopefully, I know the answer to anything today.

21           The list of submitted files series, has not  
22 been released by the ISOO. It is still in the process

1 of being approved. So I would think that any release at  
2 this juncture outside of government channels is  
3 premature. That's a request only.

4 Once it is approved, that may be open for  
5 discussion. I don't think anybody has asked the  
6 question. I will certainly pass this on to ISOO.

7 We released several of the files series to the  
8 panel members as part of the consultancy configuration,  
9 the consultancy agreement. But I would view that as  
10 internal deliberations and not a final product until it  
11 has been acted upon by the National Security Advisor and  
12 ultimately the President. I will refer your suggestions  
13 to the ISOO following this meeting.

14 PROFESSOR LEFFLER: We discussed them about a  
15 year or so ago when we saw the list. And we had raised  
16 some reservations about the way they were presented,  
17 because they were so general. I understood you to have  
18 said this morning that they've been refined.

19 It would have been nice if this advisory  
20 committee would have had a chance to look at them and  
21 provide advice before they were sent to ISOO. Once  
22 they're approved by ISOO, it's going to be too late to

1 deliberate upon them. And I'm simply saying that if we  
2 are to be used as an advisory committee, it would have  
3 been nice to have asked us for our advice, once they  
4 have been refined.

5 MS. KLOSS: Point taken. You can have a copy  
6 of the refined one.

7 PROFESSOR WEINBERG: I would like to stay with  
8 this same subject.

9 As and when action is finally taken, obviously  
10 certain ones, let's say a couple are turned down, okay?  
11 At that point then, they go through the review procedure  
12 like the nonexempt files, they're in effect kicked back  
13 to whichever agency asked and they are told, please get  
14 busy on these. The ones which are approved for  
15 exclusion, surely at some point, that approval with the  
16 list has to be made public.

17 MS. KLOSS: I don't know that to be the case.  
18 I don't think -- I've never asked the question what  
19 happens if and when the President approves the list,  
20 will that information be captured, for instance, in this  
21 document next year (indicating.) I haven't asked the  
22 question, I will. I don't know what the answer is.



1 DR. CAHN: Would it be appropriate for this  
2 committee to recommend that that be the case?

3 DR. GOLDBERG: No reason why we can't  
4 recommend and no reason why the question can't be asked,  
5 most certainly. We're here to make recommendations.

6 All right, Jim David.

7 MR. DAVID: Steven Garfinkle, Director of  
8 ISOO, in response to my request to review various lists  
9 of files proposed for exemption from automatic  
10 declassification stated to me that the list of files of  
11 -- proposed for exemption from automatic  
12 declassification in CIA and NSA are themselves  
13 classified.

14 DR. GOLDBERG: Some, yes.

15 MR. DAVID: So whether those two lists are  
16 approved in whole or in part, whatever the final result  
17 is, those would be classified.

18 DR. GOLDBERG: And there may be a few from  
19 other departments that also --

20 PROFESSOR LEFFLER: Some of those that came  
21 here last year were classified, we weren't even able to  
22 see them last year.

1 MS. KLOSS: It was the description that became  
2 classified. Obviously, the components tried to put as  
3 much information as descriptive write-ups in their final  
4 series exemption, asked counsel to eliminate any doubt  
5 as to, this is a good candidate for file series  
6 exemption. The list of files was a separate and  
7 distinct action versus the justification for the file  
8 series exemption and that I would suggest would clarify  
9 for the DoD component, meaning the NSC, I can't speak  
10 for the other agencies beyond DoD. *unint.*

11 PROFESSOR WEINBERG: I think this is really a  
12 terribly important issue and at some point if it's not  
13 handled properly, it's going to lead to a public  
14 relations disaster for our government.

15 The issue that was raised by the gentleman in  
16 the back, it seems to me, suggests that in the process,  
17 especially for certain agencies, thought be given to  
18 what I would call the preparation of parallel lists.  
19 That is to say, that File 67-3 has, if you will, two  
20 descriptions, one that can be publicly released, agents  
21 in Asia 1945 to 1950, and another one that is classified  
22 that says a good deal more.

1                   What I'm concerned about and what I think  
2 others are concerned about is that sort of vast  
3 quantities of records vanish with no identification  
4 whatsoever except that there are X million which don't  
5 ever get reviewed within the lifetime of anybody around.  
6 I mean, this is the part that I think --

7                   MR. DEAN: Exactly.

8                   PROFESSOR WEINBERG: -- needs some thought.  
9 And it my mean two sets of descriptions of which one can  
10 be released and one, because of certain information  
11 contained in it the names for example, remains  
12 classified.

13                   And I am convinced myself that people will not  
14 find that preposterous. That is to say, you can have  
15 file series X, Y pertains to nuclear weapons, et cetera,  
16 et cetera, and people will understand why that file  
17 series is closed.

18                   Whereas going through the official channels,  
19 there is a considerably more detailed description of the  
20 same files, but it can't be made public. It seems to me  
21 that there are any number of ways of skinning this  
22 particular cat, but it has to be skinned.

1 DR. GOLDBERG: The more we discuss the  
2 subject, the bigger the job appears to be coming.

3 There are a lot of aspects to it. The more we  
4 probe, the more we see things that ought to be done and  
5 we hope will be done. But, if you take on additional  
6 things it means you may not have as much time or as much  
7 effort to devote to the central part of this job, which  
8 is of course, the declassification itself, the resources  
9 are going to continue to be limited.

10 Did you want to say something?

11 MS. KNOX: I just wanted to point out  
12 something that perhaps the panel members are not aware  
13 of, that in the legislation that I had cited here  
14 earlier pertaining to POW/MIAs, there's a legislative  
15 mandate that when a document is withheld, notice of that  
16 withholding be placed, if it's one of the relevant  
17 documents that pertains to location, whereabouts of a  
18 missing individual, be made available, a notice of the  
19 withholding be made available to the public so that we  
20 know that such a document exists and then can pursue our  
21 rights of appeal.

22 As to the those particular record groups, it

1 shows the intent of Congress. There's a legislative  
2 mandate to be doing that. I would suggest that it would  
3 be beneficial to society at large as to all the  
4 documents. But as to the ones that concern my interest,  
5 I know that they are supposed to be being done.

6 DR. GOLDBERG: Congress doesn't always abide  
7 by its own mandates.

8 DR. CAHN: Made available on what venue?

9 MS. KNOX: All the agencies and offices are  
10 supposed to review the collections, turn over documents  
11 to DoD and any documents that they withhold, they're  
12 supposed to include a slip of notice so that DoD will  
13 know about that when it turns around and makes them  
14 public to the families and anybody else who would  
15 inquire.

16 BG ARMSTRONG: Can I say something about, I  
17 think it would be useful for tomorrow, I think over the  
18 last several meetings, particularly with today's  
19 briefing by the Army and the Air Force and the Navy, it  
20 has become, I think, clear that the declassification  
21 review effort that was started as a result of the  
22 Executive Order is picking up steam, is in fact doing

1     what it is supposed to do. And increasingly what this  
2     body is becoming concerned with is the result of that  
3     effort and the result in a couple ways; the need for a  
4     list or listings of files that have been submitted for  
5     exemptions as part of this process; the need for the  
6     documents once they are reviewed and declassified or  
7     exempted in part and put into the process to go to NARA;  
8     the need for those documents or at least the  
9     declassified ones, to be made available on a fairly  
10    expeditious basis to the community at large, not only  
11    the scholarly community, but to the public at large.

12               The reason I bring this up is because I agree  
13    with Professor Weinberg if -- first of all, my  
14    understanding of the intent of the Executive Order is to  
15    produce information at the end of this process for the  
16    public.

17               That being the case, it seems to me that it is  
18    important that the process do that and that while the  
19    part of the process that you are responsible for and the  
20    services are responsible for is working, that the rest  
21    of the process that results in this information being  
22    made available to the public may in fact not be working,

1 and that you do get into an issue at some point of  
2 public trust. Is that a fair thing to say?

3 PROFESSOR WEINBERG: Yes, I think so. This is  
4 why I say that regardless of what the form finally is,  
5 the exempt files can't vanish into thin air. There  
6 needs to be an unclassified version of this thing and a  
7 description of some sort so that people know that these  
8 things were from the Navy or these things were from  
9 another agency dealing with weapons of mass destruction  
10 1950 to 1960, that series is closed, that's all.

11 DR. GOLDBERG: Most of these materials are  
12 held or will be held by NARA. It's NARA which will have  
13 to make them available. You are right in that the  
14 services are dealing with reviewing them and  
15 declassifying them. NARA is involved in that too, of  
16 course. But in large part, it's going to evolve on  
17 NARA, and it's an awfully big job.

18 BG ARMSTRONG: I understand all that. I'm  
19 simply telling you that there is -- I believe there is  
20 and increasingly will be, that is a date certain as 2000  
21 draws nigh, public expectation of material available and  
22 it is to the interest of DoD, since it holds an enormous

1 amount of information to do everything it can to make  
2 sure that that expectation is met. And in those cases  
3 where it is not met for some reason, for an explanation  
4 to be available, because you can blame NARA and say  
5 they've got it all and they haven't done anything; but,  
6 that isn't who the public will look at.

7 DR. GOLDBERG: The public is going to have to  
8 go there to look at those documents. They know they  
9 have to deal with NARA. The responsibility of the  
10 government departments is to declassify and to help NARA  
11 with the declassification.

12 PROFESSOR LEFFLER: One of the basic points is  
13 that NARA doesn't have the help that it absolutely  
14 requires and what Michael Kurtz was saying this morning,  
15 there's been less than satisfactory effort at times to  
16 provide the help to NARA that it absolutely requires in  
17 order to make those records available.

18 The other part, I would agree with you that  
19 what we heard today from the Army and the Air Force and  
20 the Navy is very encouraging. I would add that it's a  
21 lot more encouraging than what we heard last time about  
22 the OSD records themselves. And there's an anomaly here



1 that in terms of tomorrow's meeting we might convey very  
2 clearly and that is that some of the services are vastly  
3 further ahead than OSD itself. Within OSD there is a  
4 huge amount of material from the 1950s and '60s that's  
5 not been declassified and that's still at Suitland under  
6 the auspices of OSD itself and that is not simply --  
7 it's partly a NARA problem, but it's partly an OSD  
8 problem too.

9 DR. GOLDBERG: The '50s records with the  
10 Archives getting the '60s is the problem.

11 MS. DEAN: Excuse me, is it my understanding  
12 that all of DIA and CIA will be in the exempt category  
13 or did I misunderstand that?

14 MS. KLOSS: I can only speak for DIA. DIA has  
15 certain files identified. Again, it is a very small  
16 proportion of all of their title holdings. Does that  
17 answer your question?

18 MS. DEAN: Because therein lies a lot of the  
19 records from Korean and Cold War and that we have been  
20 unable to access or identify since when we go into  
21 Archives, bulk -- in many of the records that are still  
22 -- the massive numbers of records stating in 1980 or

1 1985 records were removed. But there isn't enough  
2 identification of the documents for us even to FOIA, to  
3 request the right to review or there's no way to hope  
4 that those documents will ever be returned to the  
5 Archives for future access.

6 DR. GOLDBERG: DIA doesn't hold basic Korean  
7 War records, does it?

8 MS. DEAN: Yes.

9 DR. GOLDBERG: It does?

10 MR. DEAN: It gives the date of the document  
11 but it says the subject is secret. So you don't know  
12 whether to blow the whistle on DPMO and tell them to go  
13 read it for you or what because there's too many of  
14 these to deal with.

15 MS. DEAN: Record Group 342, you go into Air  
16 Force operational files and you go into a box and you're  
17 going along and you are finding some interesting stuff  
18 that refers to the Ferret Program, the overflight,  
19 tremendously interesting stuff and then suddenly you  
20 come to maybe 20, 25 records and all there is it's just  
21 like a library slip, CIA 1980 or 1985, wham, you can't  
22 ask for those. You FOIA CIA and they say, tell us to

1     whom it was sent, from whom it was -- the date, the  
2     subject, and so forth. We don't even know how many  
3     pages or if there are closures.

4             MR. DEAN: The out slip doesn't give you  
5     enough information in order to pursue the FOIA.

6             MS. DEAN: If that remains on the exempt list,  
7     unless you have a specific reason to believe you should  
8     be pursuing this, you wouldn't even know that it exists.

9             PROFESSOR LEFFLER: Have you gone and talked  
10    to the CIA Historical Advisory Committee, because  
11    they're the people that can bring some of those things  
12    most directly to the CIA? Have you ever met with them?

13            MS. DEAN: Our families have pursued this for  
14    years, for years. The process is, the first time it  
15    comes back -- here's a wonderful example.

16            I know three returned POWs from Camp Number 5  
17    Korean War. They gave me briefings. They queried the  
18    system, they FOIA'd and said, gee, I'd like to have a  
19    copy of my debriefings and St. Louis doesn't have it.  
20    And they were finally directed to Fort Meade, that was  
21    fine.

22            Two of them got them. The third guy who I

1 know from Baltimore said three times he asked for his,  
2 twice -- once it was a clerk who said you don't exist.  
3 The second one, two years later, said try again. The  
4 third time they said we need a notarized signature and  
5 he was so mad he went to the VA and he said please  
6 notarize my signature and tell them that I do exist. He  
7 is still waiting for his debriefing. He has been  
8 waiting ten years.

9 MR. DEAN: One of the debriefings that came  
10 back, a person who did get his debriefing from -- it was  
11 a CIA document, it was all redacted and it was his own  
12 document.

13 DR. GOLDBERG: This clerk's name was Kafka,  
14 was it?

15 MS. DEAN: No, it was Hohenzollern as a matter  
16 of fact this one who's still waiting.

17 DR. GOLDBERG: Jim David.

18 MR. DAVID: Just with respect to CIA records,  
19 the Moynihan Commission report states that the CIA  
20 estimates that it has about 166 million pages of  
21 permanent pre-75 classified records and although we  
22 can't see their list of files proposed for exemption, it

1 states that approximately two-thirds of those 166  
2 million pages have been proposed for exemption.

3 BG ARMSTRONG: But that's not something we  
4 could deal with it.

5 MR. DAVID: No, but she asked a question about  
6 CIA and DIA.

7 MS. DEAN: And as you know at the end of the  
8 late '40s and in the early '50s, so many of the  
9 military, for instance, you look at the different  
10 persons who headed up different intelligence components,  
11 were military men who rotated in and out of service over  
12 to CIA. If you look at the acting directors of CIA, six  
13 months it was ~~air~~<sup>Ar</sup> Air Force, six months it was Army and  
14 so forth.

15 So all those records about historical time  
16 frame are interwoven and therein is the frustration  
17 particularly for Korean War when you're looking at  
18 policy events and order of battle. I have had more  
19 success getting order of battle from Russia than I have  
20 from the United States.

21 DR. GOLDBERG: Anything else?

22 I think it is time to close the meeting and

1 I'm not going to do much by way of summary. I have made  
2 notes. I think of all the major issues and points that  
3 have been raised here, I will see to it that most, if  
4 not all of them, are included in the report of the  
5 committee to the Secretary of Defense. I thank you for  
6 your attendance and your participation and I trust that  
7 we will see some, if not all of you, at our next  
8 meeting.

9 MS. KNOX: Do you have a date for the next  
10 meeting?

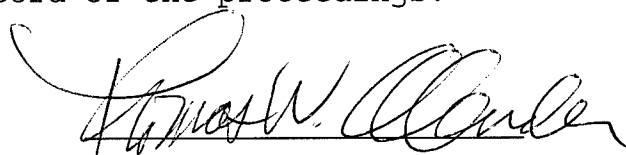
11 DR. GOLDBERG: No, we don't have a date yet,  
12 but I'm sure you will be notified.

13 (Whereupon, at 3:15 p.m., the meeting was  
14 adjourned.)

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## 1 CERTIFICATE OF REPORTER

2 I, Thomas W. Olender, the reporter before whom  
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6 and that this is a true record of the proceedings.

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